

WEDNESDAY, FEBRUARY 15, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 6715

BOLTS, NUTS AND LARGE SCREWS IMPORTS

Presidential memorandum 6575

CIVIL RIGHTS

HEW publishes revised criteria for acceptable plans to desegregate State systems of public higher education 6658

VETERANS EDUCATION

VA proposes increases in monthly rates and other significant changes in the educational assistance and vocational rehabilitation programs; comments by 3-11-78 (Part II of this issue) . 6722

DISASTER LOAN POLICY

SBA proposes regulations implementing economic dislocation and injury loans policy; comments by 3-17-78 6619

CASH EQUIVALENT OF IN-KIND INCOME

HEW announces availability of study results 6657

INTERNATIONAL ENERGY PROGRAM

DOE/ERA proposes emergency standby, mandatory crude oil and refinery yield control programs; hearings on 3-20, 3-21, 3-23, 3-28, and 3-29-78; comments by 3-21-78 6611

INCOME TAX

Treasury/IRS issues domestic international sales corporation (DISC) rules on procedure and administration and rules relating to export trade corporations 6602

TREASURY SECURITIES

Treasury announces auction of series L-1980 notes 6667

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Subscription orders (GPO)	202-783-3238
Subscription problems (GPO)	202-275-3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-3187
Copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5286
Weekly Compilation of Presidential Documents.	523-5284
Public Papers of the Presidents....	523-5285
Index	523-5285

PUBLIC LAWS:

Public Law dates and numbers.....	523-5266
	523-5282
Slip Laws.....	523-5266
	523-5282
U.S. Statutes at Large.....	523-5266
	523-5282

U.S. Government Manual.....	523-5287
Automation	523-5240
Special Projects.....	523-4534

HIGHLIGHTS—Continued

COMMERCIAL MOTOR VEHICLE SAFETY

DOT/FHA proposes step, handhold and deck requirements; comments by 5-16-78 **6637**

FREE AND REDUCED RATE TRANSPORTATION

CAB proposes to allow air carriers to make student fares available to natives of Guam, American Samoa, and the Trust Territory of the Pacific Islands between the student's home and his high school or vocational training program in Alaska, Hawaii, or the mainland U.S.; comments by 3-16-78 **6621**

INTERNATIONAL VOLUNTARY AGREEMENTS

DOE proposes recordkeeping requirements; comments by 3-13-78 **6608**

RESCISSIONS AND DEFERRALS

OMB issues cumulative report for February, 1978 (Part III of this issue) **6750**

MEETINGS—

Commerce/NOAA: North Pacific Fishery Management Council, 3-21 and 3-22-78	6642
Federal Prevailing Rate Advisory Committee, 3-2 through 3-30-78 inclusive.....	6657
National Advisory Council on Economic Opportunity, 3-13 and 3-14-78	6665
VA: Cooperative Studies Evaluation Committee, 3-13 and 3-14-78.....	6669

RESCHEDULED MEETINGS—

NRC: Advisory Committee on Reactor Safeguards, working group on anticipated transients without SCRAM, 3-31-78	6665
---	-------------

HEARINGS—

EPA: Environment and Conservation in Nonnuclear Energy Research and Development, 3-29 through 3-31-78	6646
---	-------------

SEPARATE PARTS OF THIS ISSUE

Part II, VA	6722
Part III, OMB	6750

contents

THE PRESIDENT

Memorandums

Bolts, nuts and large screw industry, import relief 6575

EXECUTIVE AGENCIES

ACTUARIES, JOINT BOARD FOR ENROLLMENT

Proposed Rules

Actuarial services; suspension and termination of enrollment of actuaries 6626

AGRICULTURE DEPARTMENT

See Federal Grain Inspection Service; Forest Service.

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Proposed Rules

Charters:

Trips and special services; off-route charter limitations; extension of time 6621

Free and reduced rate transportation:

Student fare availability to Guam, American Samoa, and Pacific Islands Trust Territory natives 6621

Notices

Hearings, etc.:

Frontier Airlines, Inc 6642

COMMERCE DEPARTMENT

See Industry and Trade Administration; National Oceanic and Atmospheric Administration.

DEFENSE DEPARTMENT

See Engineers Corps.

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:

Jackson, Roosevelt P., M.D. 6664

White, Herman Winfield, D.O. 6665

ECONOMIC OPPORTUNITY NATIONAL ADVISORY COUNCIL

Notices

Meetings 6665

ECONOMIC REGULATORY ADMINISTRATION

Proposed Rules

Petroleum allocation and price regulations, mandatory:

Emergency standby mandatory crude oil and refinery yield control programs 6611

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Proposed Rules

International voluntary agreements; Recordkeeping requirements.. 6608

Notices

Interpretation filed with General Counsel's Office 6643

ENGINEERS CORPS

Proposed Rules

Administrative procedures: Fishing reefs, artificial; permit application evaluation guidelines 6633

ENVIRONMENTAL PROTECTION AGENCY

Notices

Air pollutants, hazardous; National emission standards: Delaware; authority delegation 6647

Air quality implementation plans:

Sulfur dioxide sources in Ohio; acceptable fuel sampling analysis methods 6646

Nonnuclear energy research and development; environment and conservation; hearing 6646

Pesticide applicator certification and interim certification; State plans: Colorado 6648

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:

Virginia 6606

Television broadcast stations; table of assignments:

Hawaii 6607

Wisconsin 6605

Proposed Rules

FM broadcast stations; table of assignments:

Florida 6633

Illinois 6635

Television broadcast stations; table of assignments:

New Mexico 6636

Notices

FM and TV translator applications ready and available for processing 6651

Satellite communications services; applications accepted for filing 6650

Standard broadcast applications ready and available for processing 6653

Hearings, etc.:

Research Educational Foundation, Inc. 6652

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Natural gas companies:

Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend 6644

Hearings, etc.:

Marshall Exploration, Inc. 6645

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points: Kansas 6641

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Motor carrier safety regulations:

Parts and accessories; commercial vehicles; step, handhold and deck requirements 6637

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Proposed Rules

Low-income housing:

Housing assistance payments; fair market rents; new construction and substantial rehabilitation; Guam 6631

Housing assistance payments; fair market rents; new construction and substantial rehabilitation; New Jersey 6632

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood elevations determinations:

Arkansas 6581

Colorado 6581

Connecticut 6582

Delaware 6583

Florida 6583

Georgia (2 documents) 6584

Illinois (3 documents) 6585

Iowa 6586

Kentucky (3 documents) 6587

..... 6588

Louisiana 6588

Michigan (5 documents) 6589

..... 6591

Minnesota 6591

Mississippi 6592

New Jersey (2 documents) 6592

..... 6593

CONTENTS

North Carolina (4 documents).....	6593-6595	Notices		NATIONAL CREDIT UNION ADMINISTRATION	
North Dakota	6595	Committees; establishment, renewals, terminations, etc.:		Rules	
Oregon	6596	Federal Equal Housing Opportunity Council	6664	Federal Credit Unions: Organization and operations; surety bond coverage	6577
Pennsylvania	6596				
Tennessee	6597	INDUSTRY AND TRADE ADMINISTRATION		NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	
Texas	6598	Notices		Notices	
Virginia (2 documents)	6589, 6599	Scientific articles; duty free entry:		Meetings:	
Washington; correction	6599	University of Pennsylvania/CVP Division, et al.; correction	6642	North Pacific Fishery Management Council et al	6642
Wisconsin (5 documents)	6599-6601				
FEDERAL MARITIME COMMISSION		INTERIOR DEPARTMENT		NUCLEAR REGULATORY COMMISSION	
Notices		See Land Management Bureau.		Notices	
Tariffs, inactive, by independent carriers; cancelled	6654	INTERNAL REVENUE SERVICE		Meetings:	
FEDERAL PREVAILING RATE ADVISORY COMMITTEE		Rules		Reactor Safeguards Advisory Committee	6665
Notices		Income taxes:			
Meetings	6657	Domestic international sales corporations (DISC); filing of returns, etc	6602	SMALL BUSINESS ADMINISTRATION	
FEDERAL TRADE COMMISSION				Rules	
Rules		INTERSTATE COMMERCE COMMISSION		Disaster loans:	
Organization and functions:		Notices		Economic injury and regulatory compliance eligibility clarification, etc	6577
Regional Office, Washington, D.C.; elimination	6579	Hearing assignments	6669	Proposed Rules	
Procedures and practice rules:		Motor carriers:		Disaster loans:	
Compliance reports, delegation of authority to regional directors	6580	Irregular route property carriers; gateway elimination	6669	Economic dislocation and injury	6619
Proposed Rules		Temporary authority applications (6 documents)	6687, 6691, 6695, 6700, 6704, 6712	Notices	
Consent orders:		Transfer proceedings (2 documents)	6700	Applications, etc.:	
Aldens, Inc	6622	Railroad services abandonment: Louisville & Nashville Railroad Co	6711	Capital for Terrebonne, Inc ...	6665
FOREST SERVICE		Rerouting of traffic:		Authority delegations:	
Notices		Chessie System	6711	Disaster Office Supervisory Loan Specialist	6667
Environmental statements; availability, etc.:		Chicago & North Western Transportation Co	6710	Disaster areas:	
Western Spruce Budworm Control, Wash	6641	Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (2 documents)	6710	California	6665
HEALTH, EDUCATION, AND WELFARE DEPARTMENT		Grand Trunk Western Railroad Co	6710	Connecticut	6665
See also Health Care Financing Administration.		Waste product transportation for reuse or recycling	6711	Georgia, et al	6666
Notices		INTERSTATE LAND SALES REGISTRATION OFFICE		Massachusetts (2 documents)	6666
Civil rights; desegregation of State public higher education systems; acceptable plans criteria	6658	Rules		Nebraska	6666
Program results:		Field Review Office, establishment and authority delegation	6580	Rhode Island	6666
Cash equivalent of in-kind income	6657			TRANSPORTATION DEPARTMENT	
HEALTH CARE FINANCING ADMINISTRATION		JUSTICE DEPARTMENT		See Federal Highway Administration.	
Rules		See Drug Enforcement Administration.		TREASURY DEPARTMENT	
Medicare and medical assistance programs; nomenclature changes, etc.; correction	6605	LAND MANAGEMENT BUREAU		See also Internal Revenue Service.	
HOUSING AND URBAN DEVELOPMENT DEPARTMENT		Notices		Notices	
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration; Interstate Land Sales Registration Office.		Authority delegations:		Notes, Treasury:	
		California State Office, State Director	6664	Series L-1980	6667
		MANAGEMENT AND BUDGET OFFICE		VETERANS ADMINISTRATION	
		Notices		Proposed Rules	
		Budget rescissions and deferrals	6750	Vocational rehabilitation and education:	
				Educational assistance benefits	6722
				Notices	
				Meetings:	
				Cooperative Studies Evaluation Committee	6669

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR		14 CFR—Continued		26 CFR—Continued	
MEMORANDUMS:		PROPOSED RULES—Continued		301	6602
February 10, 1978	6575	223	6621	33 CFR	
10 CFR		16 CFR		PROPOSED RULES:	
PROPOSED RULES:		0	6579	209	6633
209	6608	3	6580	38 CFR	
211	6611	PROPOSED RULES:		PROPOSED RULES:	
212	6611	13	6622	21	6722
12 CFR		20 CFR		42 CFR	
701	6577	PROPOSED RULES:		Ch. IV	6605
13 CFR		901	6626	47 CFR	
123	6577	24 CFR		73 (3 documents)	6605-6607
PROPOSED RULES:		1700	6580	PROPOSED RULES:	
123	6619	1917 (41 documents)	6581-6602	73 (3 documents)	6633-6636
14 CFR		PROPOSED RULES:		49 CFR	
PROPOSED RULES:		888 (2 documents)	6631, 6632	PROPOSED RULES:	
207	6621	26 CFR		393	6637
		1	6602		

CUMULATIVE LIST OF PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR		7 CFR—Continued		12 CFR—Continued	
PROCLAMATIONS:		724.....	4966, 6205	747.....	5800
3279 (Amended by EO 12038) ..	4957	726.....	4971	PROPOSED RULES:	
4548.....	4413	905.....	5497	9.....	5004
4549.....	4583	907.....	4417, 4965, 5498	208.....	5006
4550.....	4961	910.....	4586, 5796	217.....	5008
4551.....	5495	959.....	4587	225.....	5382
EXECUTIVE ORDERS:		971.....	5499	545.....	5010
8526 (Amended by EO 12038) ..	4957	980.....	5499	13 CFR	
10127 (Amended by EO 12038) ..	4957	987.....	4249	123.....	6577
10480 (Amended by EO 12038) ..	4957	993.....	5355	129.....	5801
10485 (Amended by EO 12038) ..	4957	1139.....	4589	PROPOSED RULES:	
10865 (Amended by EO 12038) ..	4957	1421.....	5501	121.....	5846
10899 (Amended by EO 12038) ..	4957	1425.....	4589	123.....	6619
11030 (See EO 12038) ..	4957	1446.....	5501, 5502	14 CFR	
11057 (Amended by EO 12038) ..	4957	1822.....	5503	39.....	4420, 4845, 5505-5507, 6059
11177 (Amended by EO 12038) ..	4957	1904.....	5503, 5504	71.....	4421, 4422, 4847, 4848, 5507-5510
11331 (Amended by EO 12038) ..	4957	1955.....	4417	75.....	5510
11345 (Amended by EO 12038) ..	4957	PROPOSED RULES:		97.....	5510
11371 (Amended by EO 12038) ..	4957	225.....	4622	PROPOSED RULES:	
11477 (Amended by EO 12038) ..	4957	730.....	5003	21.....	4868, 5522
11490 (Amended by EO 12038) ..	4957	991.....	5841	36.....	4868, 5522
11578 (Amended by EO 12038) ..	4957	1434.....	4437	71.....	4437, 5523, 5524, 6095
11647 (Amended by EO 12038) ..	4957	1438.....	4865	91.....	4868, 5522
11652 (Amended by EO 12038) ..	4957	1948.....	5488	121.....	4438
11658 (Amended by EO 12038) ..	4957	8 CFR		207.....	5383, 6621
11659 (Amended by EO 12038) ..	4957	103.....	5355	208.....	5383
11752 (Amended by EO 12038) ..	4957	9 CFR		212.....	5383
11761 (Amended by EO 12038) ..	4957	73.....	4591, 5796	214.....	5383
11790 (Amended by EO 12038) ..	4957	78.....	4591	223.....	6621
11902 (Amended by EO 12038) ..	4957	94.....	4594	15 CFR	
11912 (Amended by EO 12038) ..	4957	PROPOSED RULES:		369.....	5512
11969 (Amended by EO 12038) ..	4957	94.....	6234	16 CFR	
12006 (See EO 12037) ..	4415	10 CFR		0.....	6579
12009 (See EO 12038) ..	4957	20.....	5356	2.....	4972
12011 (See EO 12037) ..	4415	35.....	4972	3.....	6580
12016 (See EO 12037) ..	4415	205.....	5797	4.....	5802
12037.....	4415	211.....	6205	13.....	5360, 5512, 5513, 5802
12038.....	4957	212.....	5799	1012.....	5803
MEMORANDUMS:		214.....	6205	1615.....	4849
January 18, 1978.....	6203	216.....	6209	1616.....	4849
January 27, 1978.....	4245	PROPOSED RULES:		PROPOSED RULES:	
February 10, 1978.....	6575	19.....	4865	13.....	5383, 5846, 6622
RECOMMENDATIONS APPROVED BY		20.....	4865	1306.....	6235
THE PRESIDENT:		71.....	6095	1700.....	4632
January 26, 1978.....	4377	73.....	6095	17 CFR	
5 CFR		430.....	6234	200.....	4254
213.....	4585, 4586, 4963, 5793	209.....	6608	211.....	4972
302.....	4964	211.....	6611	231.....	6060
315.....	5794	212.....	6611	240.....	4254, 4342
330.....	6205	1010.....	5841	241.....	6060
752.....	5794	12 CFR		271.....	6060
772.....	5794	225.....	6214	PROPOSED RULES:	
7 CFR		226.....	4419, 5357	32.....	4869
1.....	6205	265.....	4253	210.....	4264
2.....	6057	523.....	5358	240.....	4354
20.....	5497	701.....	5359, 6577	275.....	6095
46.....	4964	720.....	5359		
230.....	5794				
401.....	4247				

FEDERAL REGISTER

18 CFR		26 CFR—Continued		38 CFR	
2.....	5362	54.....	4603	3.....	4423
PROPOSED RULES:		301.....	6602	PROPOSED RULES:	
141.....	5524	PROPOSED RULES:		3.....	5856
19 CFR		1.....	4638,	21.....	5549, 6722
10.....	4855	4639, 5529, 5545, 5852,	5854,	39 CFR	
141.....	6065	6260		111.....	4988
162.....	4255, 4595	301.....	5854	PROPOSED RULES:	
171.....	4255	28 CFR		111.....	6111, 6263
PROPOSED RULES:		0.....	6228	40 CFR	
153.....	4871	2.....	4977	52.....	4257, 4611
20 CFR		16.....	4978	86.....	4552, 4553
404.....	4973	PROPOSED RULES:		142.....	5372
PROPOSED RULES:		2.....	5011	162.....	5782, 5788
901.....	6626	29 CFR		428.....	6229
21 CFR		522.....	5816	PROPOSED RULES:	
Ch. I.....	6216	525.....	5818	35.....	5390
74.....	4974	1910.....	5916	52.....	4267, 4268, 4442, 6265-6267
81.....	4596, 4974	1952.....	5819	56.....	4872
82.....	4974	2200.....	4604	141.....	5756
135.....	4596	30 CFR		162.....	5857
175.....	6216	710.....	5001	228.....	5391
520.....	4601, 4975	715.....	5001	250.....	4366
522.....	4975, 4976	716.....	5001	257.....	4942
540.....	4601, 4602	717.....	5001	413.....	6560
558.....	4976, 4977	718.....	5001	600.....	6267
PROPOSED RULES:		720.....	5001	41 CFR	
101.....	5851	725.....	5001	1-9.....	4424
182.....	4635, 6242	740.....	5001	8-1.....	6091
184.....	4635, 6242	795.....	5001	Ch. 101.....	5373
333.....	4637	837.....	5001	101-11.....	4998
500.....	4637	PROPOSED RULES:		101-30.....	4998
558.....	5010	270.....	4264	PROPOSED RULES:	
701.....	4638	32 CFR		114-50.....	5391
1000.....	6244	65.....	4856	42 CFR	
1040.....	4871, 5852	209.....	5372	50.....	4570, 4832
23 CFR		888g.....	4605	51c.....	5352
130.....	5513	1802.....	6229	56.....	5352
24 CFR		PROPOSED RULES:		110.....	6020
207.....	6217	1810.....	5389	Ch. IV.....	6605
570.....	4382	33 CFR		405.....	4428, 5822, 5823
1700.....	6580	221.....	4978	449.....	4571, 4833, 5823
1914.....	5804	PROPOSED RULES:		450.....	4861
1915.....	6070	80.....	6200	481.....	5373
1917.....	5807-	90.....	6200	PROPOSED RULES:	
5816, 6075-6090, 6217-6226,		95.....	6200	57.....	4784, 4790
6581-6602		117.....	4439, 4440	121.....	6272
2205.....	4255	209.....	6633	43 CFR	
PROPOSED RULES:		36 CFR		4.....	5514
803.....	6402	7.....	6229	17.....	4259
888.....	6402, 6631, 6632	254.....	5821	45 CFR	
1917.....	5389,	PROPOSED RULES:		168.....	6230
6099-6110, 6245-6260		7.....	6261	228.....	4581, 4843
25 CFR		313.....	5545	PROPOSED RULES:	
231.....	6227	322.....	5545	185.....	4639
256.....	4257	327.....	5545	1601.....	4269
PROPOSED RULES:		37 CFR		46 CFR	
11.....	5528	PROPOSED RULES:		1.....	4431
26 CFR		Ch. III.....	6262, 6263	5.....	4431
1.....	4603, 6602	2.....	4441		

FEDERAL REGISTER

46 CFR—Continued

252	4857
280	4260

PROPOSED RULES:

283	4269
-----------	------

47 CFR

73	4611-4616, 5000, 5515, 6605-6607
78	4616
81	5377
83	4260, 6092
89	5831
91	4260

PROPOSED RULES:

67	4646, 5011
73	4647, 6111, 6112, 6113, 6633-6636

47 CFR—Continued

PROPOSED RULES—Continued

76	5012
91	6272

49 CFR

1	5515, 5834
177	4858
510	5516
571	4859, 4860, 6093
1033	4431-4433, 4617, 5834
1109	5835
1125	4261
1241	4617
1249	4617
1250	4617
1251	4617
3036	5836

49 CFR—Continued

PROPOSED RULES:

393	6274, 6637
399	5397
1100	5857

50 CFR

17	4618, 6230
26	5517
33	4433, 5520
215	5520
216	5521
651	6094

PROPOSED RULES:

17	4872
20	6275
611	5398

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date	Pages	Date	Pages	Date
4245-4412	Feb. 1	4957-5353	7	5793-6055	10
4413-4582	2	5355-5494	8	6057-6201	13
4583-4844	3	5495-5791	9	6203-6573	14
4845-4955	6			6575-6757	15

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOD/Army—Navigation locks and approach channels, Columbia and Snake Rivers 3115; 1-23-78

FCC—Changes in International Radio Regulations and changes in frequencies and implementation schedule for certain limited coast and ship stations in maritime mobile service 1623; 1-11-78; 3563; 1-26-78

FM Broadcast stations; table of assignments: Ft. Walton Beach, Crestview, and Destin, Fla. 1500; 1-10-78

Television broadcast stations; table of assignments:

Clarksdale and Greenville, Miss., and Birmingham, Ala. 1502; 1-10-78

Galveston, Tex. 1503; 1-10-78

Medford and Grants Pass, Oreg. 1503; 1-10-78

HUD—Areawide Housing Opportunity Plans; approval and award of special allocations of contract authorities 2358; 1-16-78

ICC—Practices of motor carriers of household goods (modification of performance report requirements 3125; 1-23-78

TVA—Approval of construction and regulation of structures on the Tennessee River System 65145; 12-30-77

USDA/AMS—Filbert imports; grade and size standards 64899; 12-29-77

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

National School Lunch Program; Contractual arrangements with food service management companies or vendors; comments by 2-25-78 .. 1955; 1-13-78

Forest Service—

Grazing livestock on National Forest System Lands; range management; comments by 2-21-78 60108; 11-23-77

Rural Electrification Administration—

Rural telephone program; revisions of REA Specification PE-71 for inside wiring cable and REA Specification PE-72 for switchboard cable; comments by 2-23-78 3284; 1-24-78

COMMERCE DEPARTMENT

Economic Development Administration—

Procedures for modification of business development projects; comments by 2-24-78 3349; 1-25-78

National Oceanic and Atmospheric Administration—

Foreign fishing; incidental taking of billfishes and sharks in Atlantic Ocean, Gulf of Mexico and Caribbean Sea; comments by 2-20-78 3292; 1-24-78

COMMODITY FUTURES TRADING COMMISSION

Contract market designation; demonstration of continued compliance with requirements; comments by 2-21-78 63899; 12-21-77

DEFENSE DEPARTMENT

Air Force Department—

Employment of civil air patrol; comments by 2-24-78 .. 2735; 1-19-78

Engineers Corps—

Shore, Hurricane, and Tidal and Lake

Flood protection, Federal participation; comments by 2-20-78 3048; 1-20-78

ENERGY DEPARTMENT

Official seal and distinguishing flag, description and use; comments by 2-22-78 3128; 1-23-78

Economic Regulatory Administration—

Administrative procedures and sanctions; appeal from interpretation; comments by 2-22-78 3668; 1-26-78

Synthetic natural gas; comments by 2-24-78 3740; 1-27-78

ENVIRONMENTAL PROTECTION AGENCY

Compliance date extension; withdrawal; comments by 2-24-78 3401; 1-25-78

State implementation plans; California; comments by 2-21-78 (4 documents) 2896-8; 1-20-78

FEDERAL COMMUNICATIONS COMMISSION

Aviation services; additional aeronautical advisory station at landing areas; comments by 2-24-78 3408; 1-25-78

FM Broadcast stations; table of assignments; Baxter Springs, Kans.; comments by 2-24-78 1512; 1-10-78

Blytheville, Ark. and Mayfield, Ky.; comments by 2-21-78 1515; 1-10-78

Harrison, Ark.; comments by 2-24-78 1513; 1-10-78

"Saturated" cable television systems; comments period extended to 2-23-78. 3598; 1-26-78

FEDERAL ELECTION COMMISSION

Freedom of Information Act regulations; comments by 2-18-78 .. 59943; 11-22-77

FEDERAL ENERGY ADMINISTRATION

Appeal from interpretations, administrative procedures and sanctions; comments by 2-22-78 2729; 1-19-78

FEDERAL HOME LOAN BANK BOARD

Electronic fund transfers through remote service units; comments by 2-22-78 ... 5010; 2-7-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

Antioxidants; indirect food additives; adhe-

sives coatings and components, adjuvants, production aids, and sanitizers; comments by 2-21-78 .. 2873; 1-20-78

Defoaming agents; secondary direct food additives permitted in food for human consumption; comments by 2-21-78 2872; 1-20-78

Emulsifiers; food additives permitted for direct addition to food for human consumption; comments by 2-21-78 2871; 1-20-78

Ethylene-vinyl acetate-vinyl alcohol polymers; indirect food additives; polymers; comments by 2-21-78 .. 2874; 1-20-78

Fee for transmission of facsimile insulin certificates; comments by 2-21-78 64342; 12-23-77

New animal drug applications, approval of supplemental applications; comments by 2-21-78 64367; 12-23-77

Resinous and polymeric coatings; indirect food additives; adhesive coatings and components; comments by 2-21-78 2872; 1-20-78

Health Resources Administration—Health planning, national guidelines; comments by 2-21-78 3056; 1-20-78

Public Health Service—

Designation of Health Manpower Shortage areas; criteria; comments by 2-24-78 1586; 1-10-78

Nurse training; grants for advanced programs; comments by 2-23-78 3344; 1-24-78

INTERIOR DEPARTMENT

Bureau of Land Management—

Authorizing grazing use; payment of fees; comments by 2-21-78 60109; 11-23-77

Payment of fees; comments by 2-21-78 63437; 12-16-77

Fish and Wildlife Service—

Endangered status for Grevy's Zebra and Hartmann's Mountain Zebra; comments by 2-21-78 64382; 12-23-77

INTERSTATE COMMERCE COMMISSION

Lease and interchange of vehicles; comments by 2-22-78 1109; 1-6-78

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Standard for occupational exposure to acrylonitrile (vinyl cyanide); comments by 2-21-78 (2 documents) 2586; 1-17-78-2608; 1-18-78

NUCLEAR REGULATORY COMMISSION

Contractor organizational conflicts of interest; procedures for avoidance; comments by 2-23-78 3288; 1-24-78

PENSION BENEFIT GUARANTY CORPORATION

Mandatory employee contributions; comments by 2-23-78 1358; 1-9-78

SECURITIES AND EXCHANGE COMMISSION

Issuer tender and exchange offers; new regulations and related schedule; comments by 2-24-78 63066; 12-14-77

SMALL BUSINESS ADMINISTRATION

Loans; administrative limits and waivers; comments by 2-22-78 3130; 1-23-78

TREASURY DEPARTMENT

Currency Comptroller—

National banks; suspensions and prohibitions where felony is charged; comments by 2-24-78 3369; 1-25-78

Other real estate owned; proposed revision to interpretive ruling; comments by 2-21-78 2881; 1-20-78

Customs Service—

Drawback rates; expiration 15 years after issuance or approval unless renewed by rate holder; comments by 2-23-78 3286; 1-24-78

Internal Revenue Service—

Group-term life insurance; comments by 2-21-78 976; 1-5-78

VETERANS ADMINISTRATION

Veterans benefits, character of discharge; comments by 2-21-78 2737; 1-19-78

Next Week's Meetings**AGRICULTURE DEPARTMENT**

Forest Service—

National Forest Management Act Committee of Scientists, Biloxi, Miss. (open), 2-23 and 2-24-78 4874; 2-6-78

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Research Grants Panel Advisory Committee, Washington, D.C. (closed) 2-21-78 3184; 1-23-78

Visual Arts Advisory Panel, Washington, D.C. (closed), 2-22 through 2-24-78 4890; 2-6-78

COMMERCE DEPARTMENT

Census Bureau—

Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 census, Suitland, Md. (open), 2-24-78 3924; 1-30-78

Industry and Trade Administration—

Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (closed), 2-21 and 2-22-78 3925; 1-30-78

Management-Labor Textile Advisory Committee, Washington, D.C. (open), 2-22-78 3737; 1-27-78

Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 2-21-78 4447; 2-2-78

Semiconductor Technical Advisory Committee, Washington, D.C. (closed), 2-22-78 3925; 1-30-78

Semiconductor Technical Advisory Committee, Washington, D.C. (partially open), 2-23-78 4876; 2-6-78

National Oceanic and Atmospheric Administration—

Mid Atlantic Fishery Management Council, Scientific and Statistical Committee, Arlington, Va. (open), 2-24-78 4876; 2-6-78

New England Fishery Management Council's Scientific and Statistical Committee, Boston, Mass. (open), 2-22-78 4451; 2-2-78

North Pacific Fishery Management Council, Anchorage, Alaska (partially open), 2-23 and 2-24-78 3738; 1-27-78

North Pacific Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (partially open), 2-21 through 2-24-78 2424; 1-17-78

Pacific Fishery Management Council's Squid Advisory Subpanel, Long Beach, Calif. (open), 2-22-78 4273; 2-1-78

DEFENSE DEPARTMENT

Navy Department—

Chief of Naval Operations Executive Panel Advisory Committee, Washington, D.C. (closed), 2-22 and 2-23-78 4278; 2-1-78

Office of the Secretary—

Defense Intelligence Agency Scientific Advisory Committee, Rosslyn, Va. (closed), 2-22-78 3610; 1-26-78

Defense Science Board, Arlington, Va. (closed), 2-23 and 2-24-78 3153; 1-23-78

ENVIRONMENTAL PROTECTION AGENCY

Fully Halogenated Chlorofluoroalkanes, Washington, D.C. (open), 2-21 through 2-24-78 1986; 1-13-78

Meeting on modification of secondary treatment requirement, San Francisco (open), 2-22-78 4675; 2-3-78

Science Advisory Board, Arlington, Va. (open), 2-22 and 2-23-78 4887; 2-6-78

FEDERAL COMMUNICATIONS COMMISSION

Personal Use Radio Advisory Committee, Reston, Va. (open), 2-22 and 2-23-78 4678; 2-3-78

GENERAL SERVICES ADMINISTRATION

Federal Register Office—

Legal Drafting Workshops, Washington, D.C. 2-20-78; reservations required 39680; 8-5-77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

Alcohol Research Review Committee, Washington, D.C. (partially open), 2-22 through 2-24-78 2940; 1-20-78

Biological Sciences Training Review Committee, Rockville, Md. (partially open), 2-22 through 2-25-78 2940; 1-20-78

Clinical Psychopharmacology Research Review Committee, Washington, D.C. (partially open), 2-23 and 2-24-78 2940; 1-20-78

Community Alcoholism Services Review Committee, Bethesda, Md. (partially open), 2-24 through 3-1-78 2940; 1-20-78

Psychiatry Education Review Committee, Rockville, Md. (partially open), 2-21 through 2-24-78 2940; 1-20-78

Disease Control Center—

Center for Disease Control Programs and Policies Advisory Committee (Ad Hoc), Atlanta, Ga. (open), 2-21 through 2-23-78 2941; 1-20-78

Food and Drug Administration—

Fully Halogenated Chlorofluoroalkanes, Washington, D.C. (open), 2-21 through 2-24-78 1997; 1-13-78

Topical Analgesic Panel, Rockville, Md., (open), 2-21 through 2-23-78 2001; 1-13-78

National Institutes of Health—

Amphotericin B methyl ester in treatment to systemic mycotic infections, workshop, Bethesda, Md. (open), 2-21-78 59920; 11-22-77

Bacteriology and Mycology Study Section, Bethesda, Md. (open) 2-22-78 5074; 2-7-78

Bacteriology and Mycology Study Section, Bethesda, Md. (open) 2-23 through 2-25-78 2005; 1-13-78

Cancer Immunotherapy Committee, Bethesda, Md. (open), 2-23-78 3769; 1-27-78

Cancer Special Program Advisory Committee, Bethesda, Md., (Partially opened), 2-23 and 2-24-78 2008; 1-13-78

Cardiovascular and Renal Study Section, Bethesda, Md., (open) 2-22 through 2-25-78 2005; 1-13-78

Clinical Cancer Education Committee, Bethesda, Md. (partially open), 2-22 and 2-23-78 2004; 1-13-78

Communicative Sciences Study Section, Bethesda, Md. (open) 2-21 through 2-24-78 5074; 2-7-78

[First published at 43 FR 2004, Jan. 13, 1978]

Combined Modality Committee, Bethesda, Md. (partially open), 2-21-78 2008; 1-13-78

Epidemiology and Disease Control Study Section, Bethesda, Md. (open), 2-22 through 2-24-78 2005; 1-13-78

Hematology Study Section, Chevy Chase, Md. (open), 2-22 through 2-25-78 2005; 1-13-78

Medicinal Chemistry A Study Section, Bethesda, Md. (open), 2-23 through 2-26-78 2005; 1-13-78

Microbial Chemistry Study Section, Bethesda, Md. (open), 2-21 through 2-24-78 2005; 1-13-78

National Diabetes Advisory Board, Washington, D.C. (open), 2-23 and 2-24-78 3768; 1-27-78

Neurology A Study Section, Bethesda, Md. (open), 2-22 through 2-25-78 2006; 1-13-78

Nutrition Study Section, Bethesda, Md. (open), 2-22 through 2-24-78 2006; 1-13-78

Oral Biology and Medicine Study Section, Bethesda, Md. (open), 2-21 through 2-24-78 2006; 1-13-78

Pathology A Study Section, Silver Spring, Md., (open), 2-22 through 2-24-78 2006; 1-13-78

FEDERAL REGISTER

Reproductive Biology Study Section, Bethesda, Md. (open), 2-21 through 2-24-78 2006; 1-13-78
Surgery, Anesthesiology and Trauma Study Section, Arlington, Va. (open), 2-24 and 2-25-78 2006; 1-13-78
Surgery and Bioengineering Study Section, Arlington, Va. (open), 2-24 and 2-25-78 2006; 1-13-78

HISTORIC PRESERVATION ADVISORY COUNCIL

Meeting, New Haven, Conn. 2-23-78 5020; 2-7-78

INTERIOR DEPARTMENT

National Park Service—
Gateway National Recreation Area Advisory Commission, New York, N.Y. (open), 2-23-78 4692; 2-3-78

MARINE MAMMAL COMMISSION

MMC and Committee of Scientific Advisors on Marine Mammals, Houston, Tex., 2-23 thru 2-25-78 62568; 12-13-77

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Aerospace Safety Advisory Panel, Washington, D.C. (open), 2-21-78... 4698; 2-3-78

NATIONAL SCIENCE FOUNDATION

Ad hoc Advisory Group for Future Scientific Ocean Drilling, Washington, D.C. (partially open), 2-21 and 2-22-78 .. 4698; 2-3-78

Advisory Committee for Physics Subcommittee on Job-Related Issues, Washington, D.C. (open), 2-24 and 2-25-78 5114; 2-7-78

Advisory Council Steering Committee, Washington, D.C. (open), 2-23-78 4699; 2-3-78

Atmospheric Sciences Advisory Committee, Washington, D.C. (open), 2-23 thru 2-25-78 4699; 2-3-78

Behavioral and Neural Sciences Advisory Committee, Linguistics Subcommittee, Washington, D.C. (closed), 2-23 and 2-24-78 4699; 2-3-78

National Science Board Regional Forums, Denver, Colo. (open) 2-21-78 3956; 1-30-78

Social Sciences Advisory Committee, Sociology Subcommittee, Washington, D.C. (closed), 2-23 and 2-24-78 4699; 2-3-78

Subcommittee on Economics of the Advisory Committee for Social Sciences, Washington, D.C. (2-24 and 2-25-78) 5115; 2-7-78

NUCLEAR REGULATORY COMMISSION

ACRS Working Group on Safeguards and Security, Washington, D.C. 2-22-78. 5119; 2-7-78

STATE DEPARTMENT

Office of the Secretary—
International Radio Consultative Commit-

tee, Study Group 7 of the U.S. Organization, Falls Church, Va. (open), 2-22-78 3639; 1-26-78
Secretary of State's Advisory Committee on Private International Law, Washington, D.C. (open), 2-22-78 4153; 1-31-78

SUSQUEHANNA RIVER BASIN COMMISSION

Joint meeting with Pennsylvania Department of Environmental Resources, Wellsboro, Pa. (open), 2-22-78 3327; 1-24-78

VETERANS ADMINISTRATION

Station Committee on Educational Allowances, Nashville, Tenn. (open) (2 documents), 2-23 and 2-24-78 4478-4479; 2-2-78

Next Week's Public Hearings

NOTE: There were no items eligible for inclusion in the list of next week's public hearings.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

presidential documents

[3195-01]

Title 3—The President

Memorandum of February 10, 1978

Determination Under Section 202(a) of the Trade Act; Bolts, Nuts and Large Screws
of Iron or Steel

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, February 10, 1978.

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P. L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on December 12, 1977, concerning the results of its investigation of a petition for import relief filed by the United States Fastener Manufacturing Group, the United Steel Workers of America, and the International Association of Machinists and Aerospace Workers on behalf of the domestic industry producing iron or steel lag screws or bolts, bolts (except mine-roof bolts) and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in section 202(c) of the Trade Act of 1974, I have determined that provision of import relief is not in the national economic interest for the following reasons:

1. The USITC reported that domestic producers' shipments and exports had increased in 1976 and the first half of 1977. It also indicated that domestic producers' rates of return on sales were above the corresponding ratios for producers of all fabricated metal products and for all manufacturing corporations. Furthermore, domestic producers or their wholly owned subsidiaries imported or purchased 20-25 percent of total 1976 shipments of imported fasteners in the United States. The domestic industry, particularly firms specializing in the production of automotive fasteners, has and should continue to benefit from increased U.S. consumption of fasteners.

2. Provision of import relief would have significantly increased costs of fasteners for U.S. manufacturers who use fasteners to produce cars, machinery, equipment, and construction items. The inflationary impact of providing relief could cause unemployment in other U.S. industries, offsetting gains in fastener employment if import relief had been imposed.

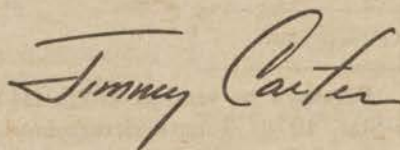
3. The Department of Labor has stated that reemployment prospects for unemployed fastener workers are fair since many of these workers are located in areas with unemployment rates below the national average.

4. Provision of import relief would subject U.S. jobs in other industries to possible foreign retaliation against U.S. exports or compensation by the United States by lessening U.S. import restrictions on other products.

5. Import relief would adversely affect U.S. international economic interests, particularly in light of U.S. efforts to reduce trade barriers in the multilateral trade negotiations.

6. The appreciation of the yen during 1977 will alleviate competitive pressures from Japanese fastener exports to the United States. Imports from Japan have comprised about three-fourths of total U.S. fastener imports in recent years.

In conjunction with my decision not to provide import relief on fasteners, I have directed the Secretary of the Treasury to initiate an expedited national security investigation under Section 232 of the Trade Expansion Act of 1962, of U.S. imports of bolts, nuts, and large screws. I am taking this action in light of a staff study by the Federal Preparedness Agency which indicated that domestic fastener production capability was inadequate to satisfy U.S. requirements in a national emergency. This investigation will permit assessment of U.S. national security interests as they relate specifically to bolts, nuts, and large screws; I will consider whether to take action relating to imports of these products following completion of the national security investigation.



[FR Doc. 78-4314 Filed 2-13-78; 3:41 pm]

EDITORIAL NOTE: The President's letters to the Speaker of the House and the President of the Senate and to the Secretary of the Treasury, dated February 10, 1978, on the American bolt, nut, and large screw industry, are printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 6).

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[7535-01]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Surety Bond Coverage

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations with respect to surety bond coverage for Federal Credit Unions. This amendment removes "securities," "promissory notes," and "mortgages" from coverage under these regulations. Because of information received subsequent to a November 4, 1977, amendment, which incorporated these terms in the regulations in § 701.20(e)(1) (i) and (ii), the NCUA has determined that the inclusion of these terms in the regulations is unnecessarily burdensome and outweighs any corresponding diminution in risk of loss of Federal credit unions with such security coverage.

EFFECTIVE DATE: Effective February 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Steven R. Bisker, Office of General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: These amendments are being issued without public participation under the authority of 5 U.S.C. 553(b)(3)(B) and without a delayed effective date under the authority of 5 U.S.C. 553(d) since they merely remove a requirement without appreciably increasing the risk to credit unions of a loss of property. Further, inasmuch as the amendment noted in 42 FR 57685 become effective on December 5, 1977, it is necessary to have these amendments become effective immediately in order to nullify its effect.

Paragraph (e)(1)(i) is amended, by deleting the word "securities." Paragraph (e)(1)(ii) is amended by deleting the words "promissory notes, mort-

gages, securities." Paragraph (e)(3) is amended by deleting the last sentence defining the word "securities."

Accordingly, the Administrator hereby amends paragraphs (e)(1)(i), (e)(1)(ii), and (e)(3) of § 701.20 of the National Credit Union Administration Rules and Regulations to read as set out below.

LAWRENCE CONNELL,
Administrator.

FEBRUARY 8, 1978.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Section 701.20(e) of the regulations involving surety bond coverage is amended to read:

§ 701.20 Surety bond coverage for Federal credit unions.

(e)(1) Where any of the following amounts exceed a Federal credit union's minimum limits as specified in paragraph (f) of this section, the minimum limits of that Federal credit union shall be increased to be equal to the greater of the following amounts:

(i) The aggregate amount of the daily cash fund (change fund plus maximum anticipated daily receipts) and food stamps (if any), on the Federal credit union's premises, or

(ii) The aggregate amount of the Federal credit union's money and food stamps (if any), placed in transit in any one individual shipment.

(2) Such increased limits must be obtained no more than 30 days after the discovery of the need for such increase.

(3) For the purposes of this section, the term "money" shall include currency, coin, banknotes, Federal Reserve notes, revenue stamps, and postage stamps.

(4) Subsection (1) notwithstanding, no increase in coverage shall be required where a Federal credit union temporarily increases its cash fund because of an extraordinary event which cannot reasonably be expected to recur. The Administrator shall determine whether this subsection applies to a given situation. A Federal credit union that wants to rely on this subsection must petition the Administrator, within 30 days of the discovery of facts that would otherwise require an increase in coverage, for a determina-

tion as to whether this subsection is applicable.

[FR Doc. 78-4090 Filed 2-14-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9, Amdt. 12]

PART 123—DISASTER LOANS

Clarification of Eligibility for Economic Injury and Regulatory Compliance Loans, Changes in Interest Rates, and Additional Loans for Insulation Costs

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment clarifies what types of small business concerns are eligible to apply for substantial economic injury disaster loans; expands eligibility for displaced business economic injury loans to small concerns in areas affected by certain State or local government projects; authorizes economic injury disaster loans in disaster areas pursuant to the certification by a State Governor; conforms eligibility for regulatory loans to the provisions of Pub. L. 95-89, 91 Stat. 553, et. seq. approved August 4, 1977; incorporates the interest and repayment provisions for physical and related economic injury loans established by Pub. L. 95-89, and allows an increase in certain physical disaster loans to cover insulation costs. It also eliminates the requirement that a certification of use of proceeds be filed, and substitutes a requirement that evidence of use of proceeds be retained for three years.

EFFECTIVE DATE: February 15, 1978.

ADDRESS: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6470.

SUPPLEMENTARY INFORMATION: Pub. L. 95-89, 91 Stat. 553, was approved on August 4, 1977. It makes a number of changes in the disaster program. These six amendments reflect the impact of the new law on the program.

Another provision, adding a new subsection 7(b)(9) for economic dislocation assistance, will be the subject of a future announcement of proposed rulemaking.

Previously, small businesses were eligible to apply for economic injury disaster loans, section 7(b)(2), only if the area was covered by a disaster declaration by the President, Administrator of SBA, or Secretary of Agriculture. Section 403 of the law adds a certification by the governor of a state as a basis for eligibility. Minimum criteria for such certification are set forth.

Section 302 of the law amends section 7(b)(5) of the Small Business Act, which contains the regulatory economic injury loan program. Under this program SBA provides assistance to a small business which is required to make structural or operational changes to comply with a Federal law or applicable regulations. Previously it was unclear whether SBA's authority extended to compliance with Federal laws enacted prior to January 2, 1974, the effective date of section 7(b)(5). The amendment clarifies SBA's authority by providing that assistance may be granted regardless of when such law was passed.

Section 402 of the new law extends assistance to small concerns displaced or affected by projects constructed, in whole or in part, by Federal funds to small concerns displaced or affected by the project of a State or local authority with power to invoke the right of eminent domain regarding such project.

Section 405 of the new law establishes a new interest rate schedule for physical disaster loans for disasters occurring after June 30, 1976, and before October 1, 1978. Also, for disasters occurring after March 31, 1977, and before January 1, 1978, the principal amount of a physical disaster loan may be increased by a maximum of \$2,000 for insulation, if the uninsured damage is at least 10 percent of the property's fair market value.

These amendments contain also two clarifications of SBA policy. Presently media enterprises are specifically eligible for physical disaster and regulatory loans and were not expressly made ineligible for economic injury loans. This amendment clarifies the eligibility of small media enterprises to apply for economic injury loans.

Finally, recipients of disaster loans were until now required to file a certification of the use of loan proceeds with supporting evidence. Under the

amendment, such recipients will be required to retain, for SBA inspection, evidence supporting the use of loan proceeds for 3 years, but no longer will have to file a certification.

Since these amendments are either required by statute, or else clarify eligibility, or lessen compliance requirements, they are made immediately effective. Written comments may, however, be submitted to the Associate Administrator for Finance and Investment at the address listed above.

Accordingly, Part 123 of Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1 (General) is amended by adding at the end of paragraph (a) a new subparagraph (3) to read as follows:

§ 123.1 (General).

(a) ***

(3) Where no disaster declaration has been issued, the Governor of a State may certify to SBA that, as a result of a disaster as described in paragraph (1) of this subparagraph, at least five small concerns located in that State have suffered economic injury as a direct result of such disaster, are in need of financial assistance, and that such assistance is not otherwise available to them on reasonable terms. Upon acceptance of such certification by SBA, economic injury disaster loans will be available in the same manner as if a physical disaster declaration had been made.

(Sec. 403, Pub. L. 95-89, Stat. 560, (15 U.S.C. 636).)

2. Section 123.2 (a)(4), (b)(1)(iii), (b)(3)(iv) are revised to read as follows:

§ 123.2 Eligibility.

(a) ***

(4) *Substantial economic injury assistance.*—(i) *Disaster area declaration or certification.* An area must be declared to be (A) a major disaster area by the President, (B) a disaster area by the Administrator of SBA, (C) a natural disaster area by the Secretary of Agriculture or his designee, or (D) an area included in a notice of loan eligibility based on a certification by the Governor of a State if such certification has been adopted by SBA. Such notice will be given by local (as distinguished from national) publicity.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration or certification made pursuant to the preceding paragraph.

(iii) *Types of small business concerns.* Economic injury loans are limited to businesses which qualify as small under the size standards established in Part 121 of this chapter. Business ac-

tivities are eligible or not, as stated in paragraph (b)(1)(iii) of this section.

(b) Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, water pollution control, air pollution control and other economic injury loans.

(1) *General scope of assistance.*—(i) *Limitations on assistance.* ***

(ii) [Reserved]

(iii) *Types of small business concerns.* Religious, eleemosynary, cooperative and nonprofit organizations are not eligible for economic injury assistance, except that a cooperative, including a farm cooperative meeting the requirements of § 122.9 of this chapter is eligible. A consumer or marketing cooperative is not eligible for economic injury assistance. Gambling activities, financing and speculative activities are not eligible for economic injury assistance. The foregoing are eligible only for physical-loss disaster assistance. Small newspapers, radio and TV stations, and similar enterprises engaged in the creation or dissemination of ideas are eligible to apply for economic injury assistance. Pawn shops are eligible to apply if more than 50 percent of income for the previous year resulted from the sale of used merchandise rather than interest on loans. Persons or firms holding realty for lease or rent for the production of income, and all real estate developers, are not small business concerns for purposes of economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms or Base Closing Economic Injury Assistance Programs. Multilevel sales distribution plans of the "pyramid" type are not eligible for economic injury assistance.

(iv) ***

(2) ***

(3) *Special Considerations—Regulatory Economic Injury Assistance.* To qualify for a regulatory economic assistance loan, an applicant must be a small concern seeking to comply with standards imposed by Federal law or regulation, or State or local requirements imposed in conformity with Federal law or regulation. The date of enactment of the law under which such regulations or requirements are imposed does not determine the eligibility for assistance under this paragraph. Applicants for such loans must furnish evidence of the requirements of the law or regulation with which they seek to comply and such other documentation as SBA may require. The following special considerations apply to various types of regulatory economic assistance loans.

(i) ***

(ii) ***

(iii) ***

(iv) *Air pollution loans.* Compliance with regulations issued pursuant to the Clean Air Act of 1970 creates eligibility to apply for this type of economic injury loan.

(Sec. 302, Pub. L. 95-89, 91 Stat. 558, (15 U.S.C. 636).)

3. Section 123.3(c)(1) is amended to read as follows:

§ 123.3 Purposes of loans.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a program or project constructed by or with funds provided in whole or in part by the Federal Government. Such assistance may also be granted if such injury is caused by a program or project undertaken by a State or local government or public service entity which has the authority to exercise the right of eminent domain on such program or project.

(Sec. 402, Pub. L. 95-89, 91 Stat. 559, (15 U.S.C. 636).)

4. Section 123.5 is amended as follows:

Paragraph (a) is amended by adding to the end of the lead-in paragraph; and paragraph (c) is amended by adding a new subparagraph (2) to read as follows:

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a) (2) and (3), (c) through (1). In loans made to repair or replace physical loss due to a disaster which occurred on or after April 1, 1977, but prior to January 1, 1978, the amount of the loan may be increased by a maximum of \$2,000 to finance the installation of insulation devices. Such increase is allowed only if the uninsured damaged portion of the property is 10 percent or more of the market value of the property at the time of the disaster. This increase for insulation is in addition to the administrative limit on loans set forth in paragraphs (a) (1) and (2) of this section.

(1)(i) ***
(c) Interest rates on disaster loans are as follows:

(1) ***
(2) On loans made as a result of a physical disaster occurring on or after

July 1, 1976, and prior to October 1, 1978, the interest rate is:

(i) One percent on the first \$10,000 of a loan to repair or replace a primary residence or personal property; 3 percent on such loan over \$10,000 but not exceeding \$40,000, and at the statutory formula rate on any amount exceeding the repair and replacement costs or \$40,000, whichever is less.

(ii) All loans other than those described in the preceding subdivision (i) of this subparagraph shall bear interest at the rate of 3 percent on the first \$250,000 of such loan and the statutory formula interest rate on amounts in excess of that figure.

(iii) Economic injury loans resulting from a physical disaster bear interest at the rate of 3 percent on the first \$25,000 of such loan and the statutory formula interest rate on amounts in excess of that figure. All other economic injury loans bear interest only at the statutory formula interest rate.

(iv) All repayments of principal on the administration's share of any loan made under the above provisions shall first be applied to reduce the principal of such loan which bears interest at the lowest rate.

(Secs. 403 and 405, Pub. L. 95-89, 91 Stat. 560-61, (15 U.S.C. 636).)

6. Section 123.17 is revised by changing the caption and dividing it into paragraphs (a) and (b), to read as follows:

§ 123.17 Evidence of use of proceeds and penalty for misuse.

(a) Recipients of SBA disaster loans resulting from a physical disaster, economic injury, or product disaster as described in §§ 123.1(a), (b) (1) and (3) are required to retain evidence that the loan proceeds were used for the purposes authorized, for a period of three (3) years after final disbursement of the loan. Such evidence shall be made available to SBA personnel or other authorized government personnel upon demand.

(b) Any disaster loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

(Catalog of Federal Domestic Assistance Program Nos. 59.002, 59.008, 59.010, 59.014, 59.017, 59.018, 59.020, 59.022-25.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4146 Filed 2-14-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 0—ORGANIZATION

Washington, D.C., Regional Office

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change eliminates the Washington, D.C., Regional Office. By this action, the Commission hopes to heighten the sensitivity of its headquarters staff to the range of local problems and thereby provide more focused assistance to the people of the metropolitan Washington area.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Isaiah T. Creswell, Director of Federal/State and Consumer Relations, Federal Trade Commission, Washington, D.C. 20580, 202-523-3747.

SUPPLEMENTARY INFORMATION: By press release issued November 30, 1977, the Commission announced that it was absorbing its Washington, D.C., Regional Office into its headquarters and other organizational units. The FTC currently has 11 such offices around the country.

By this action, the Commission hopes to heighten the sensitivity of its headquarters staff to the range of local problems and thereby provide more focused assistance to the people of the metropolitan Washington area. A special headquarters unit is being established for this purpose. It will be directed by Isaiah T. Creswell, FTC's Coordinator of Federal/State and Consumer Relations. Mr. Creswell's staff will channel metropolitan Washington consumer and anticompetition complaints to the appropriate headquarters attorneys.

This action also brings the FTC into closer cost-effective alignment with other Federal agencies, most of which serve the Nation with 10 regional offices.

The other areas currently served by the Washington, D.C., office are distributed in the following way:

Responsibility for Virginia is assumed by the Atlanta Regional Office; The Chicago Regional Office absorbs Kentucky from the Atlanta region; and The Cleveland Regional Office assumes responsibility for the remaining Washington, D.C., territory: West Virginia, Delaware, Maryland (except for the D.C. metropolitan area), and all of Pennsylvania.

Accordingly, paragraph (11) of § 0.18(b) of 16 CFR is deleted.

(15 U.S.C. 46(g) and 5 U.S.C. 552.)

By direction of the Commission February 3, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-4170 Filed 2-14-78; 8:45 am]

[6750-01]

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

DELEGATION OF AUTHORITY

AGENCY: Federal Trade Commission.
ACTION: Final rule.

SUMMARY: This rule delegates to the Regional Directors the authority to extend the time within which a compliance report must be filed.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

William S. Sanger, Acting Assistant Director for Compliance, Bureau of Consumer Protection, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-254-6128.

SUPPLEMENTAL INFORMATION: The Commission has recently delegated to the Regional Offices the authority to obtain compliance reports from respondents under order in certain matters which arose in the Regional Offices. This change delegates to the Regional Directors authority to extend the time within which a compliance report must be filed.

Accordingly, the first sentence of 16 CFR 3.61(c) is amended to read as follows:

§ 3.61 Authority. *Reports of Compliance.*

(c) The Commission has delegated to the Directors, Deputy Directors, and Assistant Directors of the Bureaus of Competition and Consumer Protection and to the Regional Directors, without power of redelegation, the authority, for good cause shown, to extend the time in which reports of compliance with orders to cease and desist may be filed.* * *

((15 U.S.C. 46; 5 U.S.C. 552); Reorganization Plan No. 4 of 1961 (26 FR 6191)).

By direction of the Commission dated February 3, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-4113 Filed 2-14-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-506]

PART 1700—INTRODUCTION

Establishment of Office of Interstate Land Sales Registration Field Review Division and Delegation of Authority to its Director

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Final rule.

SUMMARY: This rule adds a new principal office division, called the Field Review Division, to the Office of Interstate Land Sales Registration. This rule also states the authority and functions of the Director of that Division.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas D. Barnett, Office of Interstate Land Sales Registration, 451 7th Street SW., Washington, D.C. 20410, 202-755-7812.

SUPPLEMENTARY INFORMATION: These amendments relate to agency management; therefore, the Secretary has determined that notice of proposed rulemaking and postponement of the effective date are unnecessary.

These amendments merely change the published organizational structure of the Office. Accordingly, the Secretary has determined that the amendments do not have a major economic impact nor do they have a significant impact upon the environment.

Accordingly, Chapter IX of Title 24, CFR, is amended as follows:

1. The Table of Contents in Subpart B—Delegations of Basic Authority and Functions, 24 CFR 1700, is amended by adding a new § 1700.91 immediately after § 1700.90 as follows:

Sec.

1700.91 Director of the Field Review Division, Office of Interstate Land Sales Registration.

2. Subpart A—Authority and Organization, § 1700.25—Principal Divisions is amended by adding immediately after paragraph (c) *Policy Development and Control Division* the following:

(d) Field Review Division

3. Subpart B—Delegation of Basic Authority and Functions is amended

by adding a new § 1700.91 immediately after § 1700.90—"Director of Policy Development and Control Division, Office of Interstate Land Sales Registration" as follows:

§ 1700.91 Director of the Field Review Division, Office of Interstate Land Sales Registration.

To the position of the Director of the Field Review Division, Office of Interstate Land Sales Registration, there are delegated and assigned the following authorities and responsibilities:

(a) To represent the Office of Interstate Land Sales Registration in the field and to provide field support to the other functional divisions of the Office.

(b) To provide instructions and supervision to the Field staff and to serve as a liaison with other Office of Interstate Land Sales Registration staff and the Administrator.

(c) To administer and supervise the specific functions of the staff, including the following:

(1) Subdivision inspection to confirm the accuracy of disclosure in effective Property Reports;

(2) Liaison with state and local officials dealing with subdivisions, planning, regulation, service and development;

(3) Identification of developers who are in noncompliance with the Act;

(4) Follow-up and fact-gathering services for the Central Office based staff including the administration of oaths and affirmations; and,

(5) Recommendation of further enforcement action by OILSR and the HUD Office of Inspector General.

(Sec. 7(d) of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)), Sec. 1419, Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C., February 3, 1978.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 78-4088 Filed 2-14-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3475]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Paragould, Greene County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Paragould, Greene County, Ark. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Paragould, Greene County, Ark.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Paragould, Greene County, Ark., are available for review at Paragould Post Office, 200 West Court, Paragould, Ark.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Paragould, Greene County, Ark.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eight Mile Creek...	County Road	321
	do	313
	Upstream	296
	corporate limits.	
	Downstream	288
Loggy Creek.....	corporate limits.	
	State Highway 135.	282
	North 6th Ave	276
	Upstream	305
	corporate limits.	
Reynolds Creek.....	Reynolds Rd	293
	Downstream	289
	corporate limits.	
	Country Club Rd.	296
	Cast St	296

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3605 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3481]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Thornton, Adams County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Thornton, Adams County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the City of Thornton, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Thornton, are available for review at City Hall, 8992 North Washington Street, Thornton, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Thornton, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grange Hall Creek.	Union Pacific RR.	5,203
	Colorado Blvd.....	5,146
	Riverdale Rd.....	5,101
South Fork Grange Hall Creek.	Washington St	5,319
	104th Ave	5,238
Grange Hall Creek Tributary.	York St	5,240
	112th Ave	5,191
Basin 4100	Union Pacific RR.	5,151
	Welsby Rd	5,136
Brantner Gulch.....	Colorado Blvd.....	5,189
Big Dry Creek.....	Interstate 25	5,162
	136th Ave	5,147

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3606 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3482]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Glastonbury, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Glastonbury, Hartford County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Glastonbury, Hartford County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Town of Glastonbury are available for review at Town Clerk's Office, Glastonbury Town Hall, 2108 Main Street, Glastonbury, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Glastonbury, Hartford County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary B.....	450 ft upstream from confluence with Smith Brook.	51
	50 ft downstream of Farmstead Lane culvert.	70
	40 ft downstream of Founders Rd. culvert.	85
	At the downstream face of Cart Rd. culvert.	88
	50 ft downstream of Coach Rd. culvert.	90
	At culvert 425 ft upstream of Coach Rd.	95
	At culvert 900 ft upstream of Coach Rd.	101
Wildcat Brook	At confluence with Salmon Brook.	156
	At the dam 315 ft upstream of the confluence with Salmon Brook.	164
	At the upstream face of access road culvert.	177
	At the downstream face of Hebron Rd. culvert.	183
	1,300 ft upstream of Hebron Rd. culvert.	193
Connecticut River.	3.45 mi downstream of Roaring Brook confluence.	26
	At the confluence with Roaring Brook.	27
	Upstream corporate limit.	28
Roaring Brook.....	At the Tryon Street Bridge.	27
	100 ft downstream of Main Street Bridge.	31
	0.63 mi upstream of the main street.	70
	0.43 mi downstream of Matson Hill Rd.	122
	0.11 mi downstream of Matson Hill Rd.	161
	80 ft upstream of Matson Hill Rd.	168
	At the dam 0.13 mi upstream of Matson Hill Rd.	181
	At the Branard Pond Dam.	229
	At the Wooland Street Bridge.	233

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At the Cold Brook Road Bridge.	237
	At the New London Turnpike Bridge.	258
	At the dam 0.33 mi downstream of Connecticut Route 2.	263
	At the Hodges Pond Dam.	285
	At the Fisher Hill Road Bridge.	295
	At the Angus Park Pond Dam.	306
	At the Shoddy Mill Rd. culvert.	315
	100 ft upstream of Wier St.	349
	At the dam 0.38 mi upstream of Weir St.	368
	At the dam 100 ft downstream of the tributary A confluence.	374
	0.36 mi upstream of the tributary A confluence.	391
Salmon Brook.....	At the Naubuc Ave. culvert.	28
	0.28 mi upstream of the Route 17 culvert.	36
	At the Eastern Blvd. culvert.	67
	At the dam, 350 ft upstream of Mill St.	90
	At the Mill Building culvert.	104
	0.45 mi upstream of the Mill Building culvert.	107
	At the Bell Street Bridge.	147
	At the confluence with the south branch of Salmon Brook.	174
Porter Brook.....	At the Naubuc Ave. culvert.	28
Hubbard Brook	At the Route 17 culvert.	29
	At the footbridge, 300 ft downstream of Williams St.	29
	At the Williams Pond Dam.	50
	At the New London Turnpike culvert.	66
	At the Rosers Pond Dam.	80
	At the Connecticut Route 2 culvert.	86
	0.86 mi upstream of Connecticut Route 2 culvert.	116
Smith Brook	At the footbridge, 0.28 mi upstream of Main St.	28
	At the Connecticut Route 17 culvert.	41
	At the Buttonball Lane culvert.	49
	300 ft upstream of Buttonball Lane.	50

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	0.14 mi upstream of Buttonball Lane.	51
Tributary A.....	At the confluence with Roaring Brook.	374
	0.19 mi upstream from the confluence with Roaring Brook.	416
	0.86 mi upstream from the confluence with Roaring Brook.	454
Holland Brook.....	At the footbridge 0.475 mi upstream from the confluence with Meadow Drain Brook.	28
	At the culvert, 0.14 mi downstream of Main St.	38
	At the Main Street Bridge.	46
	At the Little Acres Rd. culvert.	89
Wickham Brook....	At the Connecticut Route 17 culvert.	38
	At the Buttonball Lane Bridge.	48
Grindle Brook.....	At the confluence with Great Pond.	49
	At the Great Pond Rd. culvert.	83
	0.23 mi upstream of Great Pond Rd.	87

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3607 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3397]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Newport, New Castle County, Del.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Newport, New Castle County, Del.

These base (100-year) flood elevations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Newport, Del.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Newport, are available for review at Town Hall, 205 North Marshall Street, Newport, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Newport, Del.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Christina River	State Route 41 and 141 (upstream side).	15
	State Route 41 and 141 (downstream side).	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3608 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3487]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Lauderhill, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lauderhill, Broward County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Lauderhill, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lauderhill, are available for review at City Hall, 1080 Northwest 47th Avenue, Lauderhill, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Lauderhill, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle River	Florida Turnpike.....	8
Canal (C-13)	Inverrary Dr.....	8
Plantation Canal (C-12)	U.S. Highway 441.....	7
Middle River	Florida Turnpike.....	7
Canal tributary	Northwest 31st St.....	8
	U.S. Highway 441.....	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3609 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3538]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clayton County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clayton County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Clayton County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clayton County, are available for review at Clayton County

Courthouse, McDonough Street,
Jonesboro, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clayton County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hurricane Creek	Turner Rd.....	782
	New Hope Rd.....	800
	McDonough Rd.....	812
	Cardinal Rd.....	850
	Flicker Rd.....	879
Wallis Creek	Fitzgerald.....	794
	La Belle St.....	862
Flint River	McDonough Rd.....	783
	Flint River Rd.....	805
	Georgia Highway 138.....	812
	Valley Hill Rd.....	818
	Upper Riverdale Rd.....	829
	West Lee's Mill Rd.....	870
Camp Creek	Helmer Rd.....	816
	Fairburn Rd.-Highway 138.....	831
	Bethsada Rd.....	848
	Walker Rd.....	858
	King Rd.....	865
Sullivan Creek	West Lee's Mill Rd.....	864
	Riverdale Rd.....	913
Mud Creek	Lee's Mill Rd.....	844
	Georgia Highway 331- Forest Parkway.....	873
Jesters Creek	Georgia Highway 3.....	818
	Battle Creek Rd.....	825
	Morrow Industrial Blvd.....	846
	Holiday Blvd.....	855
	Morrow Rd.....	867
Panther Creek	Fielder Rd.....	776
	Mount Zion Blvd.....	793
	Lake Harbin Rd.....	817
Reeves Creek	Georgia Highway 138.....	763
	Fielder Rd.....	801
	Conkle Rd.....	825
	Mount Zion Blvd.....	865

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tar Creek	Katherine Rd.....	779
	Evans Dr.....	792
Upton Creek	Double Bridge Rd.....	802
	U.S. Highway 23.....	818
Little Cotton Creek	Homestead Rd.....	749
	Rex Road.....	769
	Double Bridge Rd.....	796
	Ellen Wood Rd.....	811
Conley Creek	East Conley Rd.....	805
	Conley Dr.....	837
Beaver Dam Creek	Flint River Rd.....	823
Swamp Creek	Mundy's Mill Rd.....	793
	Brown Rd.....	822
Pates Creek	Freeman Rd.....	785
	Freeman Rd. (above lake).....	864
Roberts Rd. tributary	Roberts Rd.....	804

*Elevation taken from downstream side.

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3610 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3493]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ringgold, Catoosa County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ringgold, Catoosa County, Ga.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Ringgold, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ringgold, are

available for review at City Hall, 301 Mountain Street, Ringgold, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ringgold, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Chickamauga Creek.	Georgia Highway 2	761
	Georgia Highway 151	760
	U.S. Highways 41 and 76	756

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3611 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3492]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Carol Stream, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Carol Stream, DuPage County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the village of Carol Stream, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Carol Stream, DuPage County, Ill., are available for review at the lobby of Village Hall, 415 North Gary Avenue, Carol Stream, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Carol Stream, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Klein Creek	Kunn Rd	746
	Downstream corporate limits	746
	Treatment plant road	746
	Thunderbird Trail	747
	Illini Dr	749
Thunderbird Trail Creek	Low flow dam	749
	Lies Rd	754
	Seminole Lane	747
	Thunderbird Trail	748
	Blackhawk Dr	752
Winfield Creek	Geneva Rd	747
	Upstream corporate limits	747

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3612 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3053]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Granite City, Madison County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Granite City, Madison County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Granite City, Madison County Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Granite City, Madison County, Ill., are available for review at the City Clerk's Office, City Hall, 2000 Edison Avenue, Granite City, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Granite City, Madison County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ponding (area between Maryville St. and eastern corporate limits).	O'Hara Ave.....	429
Ponding (area between Chicago & Eastern Illinois RR. and Illinois Terminal RR.).	Missouri Ave.....	420
	Circle Dr.....	420
	Nameoki Dr.....	420
	26th Pl.....	420
	26th St.....	420
	27th Pl.....	420
	Reveres Route.....	420
Ponding (area between northern corporate limits and Pontoon Ave.).	Lynch Ave.....	419
	Waterman Dr.....	419
	Boyle Ave.....	419
	Spaulding Ave.....	419
Ponding (area between Sara St. and eastern corporate limits).	Pontoon Ave.....	419
	Sterns Ave.....	419
	Vesci Ave.....	419
Ponding (area between Adams and Chicago and Eastern Illinois RR.).	Center St.....	418
	26th St.....	418
Ponding (area between Dale Ave. and National Ave.).	Cardinal Ave.....	417
	Terminal Ave.....	417
Ponding (area between Lincoln Ave. and southern corporate limits).	Lincoln Ave.....	416
	23d St.....	416
	Nameoke Rd.....	416
	Ridgedale Ave.....	416
	Herbert St.....	416
	Alexander St.....	416
	Edna St.....	416
	Charles St.....	416
	Louisa St.....	416
	State Route 162.....	416

Source of flooding	Location	Elevation in feet above mean sea level
Ponding (area between Illinois Terminal RR. lines, north of corporate limits).	17th St.....	415
	16th St.....	415
	ConRail.....	415
	South St.....	415
	15th St.....	415
	14th St.....	415
	State St.....	415
	Grand Ave.....	415
	Madison Ave.....	415
Ponding (area west of Nameoki St. to 21st St.).	21st St.....	414
	Omaha St.....	414
	Iron St.....	414
	Rhodes St.....	414
Ponding (area east of corporate limits to Norfolk and Western RR.).	Roosevelt Ave.....	413
	Leyden Ave.....	413
	Harding Ave.....	413
	Cayuga St.....	413
	Denver St.....	413
	Intersection of Leyden Ave. and 20th St.....	413
	Oak St.....	413
	Popular St. between St. Louis Ave. and 20th St.....	413
	Intersection of Niedringhaus Ave. and Cedar St.....	413
	Intersection of Cedar St. and Chicago Ave.....	413
	Cedar St.....	413
	McCasland Ave.....	413

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3613 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3500]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Panorama Park, Scott County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Panorama Park, Scott County, Iowa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Panorama Park, Scott County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Panorama Park, Scott County, Iowa, are available for review at the Town Hall, Short Street, Panorama Park, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Panorama Park, Scott County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Area flooded
Crow Creek.	2d Street....	591.....	South of 2d St. to corporate limit

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3614 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3263]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Henderson, Henderson County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Henderson, Henderson County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Henderson, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Henderson, are available for review at the City Hall, Henderson, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Henderson, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Audubon Park Creek, Highway 812 Tributary.	Watson Lane.....	401
	Green St.....	390
	Adams Lane.....	390
	Kentucky Highway 812.	387
	Pennyville-Audubon Parkway Interchange.	386
	U.S. Highway 41.....	386
	Kimsey Lane.....	391
	U.S. Highway 41.....	391
	5th St.....	390
	Louisville & Nashville RR (400 ft upstream of Second St.).	390
North Fork Canoe..	Kentucky Highway 54.	389
	Washington St.....	387
	Kentucky Highway 812.	386
	Louisville & Nashville RR (500 ft upstream of Kentucky Highway 136).	386
	Kentucky Highway 136.	386
	Highway 285.....	383
	Illinois Central Gulf RR.	378
	Old Madisonville Rd.	385
	Illinois Central Gulf RR.	384
	U.S. Highway Alternate 41.	377
Sellers Ditch.....	County Rd.....	375
	U.S. Highway 60.....	375
Canoe Creek.....	Old Madisonville Rd.	385
	Illinois Central Gulf RR.	384

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3615 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3282]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Pineville, Bell County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Pineville, Bell County, Ky. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Pineville, Bell County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pineville, Bell County, Ky., are available for review at the Hall in the Municipal Building, Pineville, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Pineville, Bell County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cumberland River	Confluence of Straight Creek.	1,021
	Pine St. Bridge.....	1,020
	Confluence of Stewart Branch.	1,020
	Tennessee Ave. Bridge.	1,020
	Confluence of mile branch.	1,019
Straight Creek.....	State Route 66 Bridge.	1,021
	Louisville & Nashville RR Bridge.	1,021
	Bridge.	1,021

Source of flooding	Location	Elevation in feet above mean sea level
	Confluence with Cumberland River.	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3616 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3540]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Woodford County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Woodford County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Woodford County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Woodford County, are available for review at the Woodford County Courthouse, Versailles, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Woodford County, Ky.

This final rule is issued in accordance with section 110 of the Flood

Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lee Branch.....	U.S. Highway 421.	778
	I-64	779
	Parrish Hill	785
	U.S. Highway 62...	787
	Dudley St	792
	Louisville & Nashville RR.	796
	Walkway	799
	East Stephens St.	799
	Private Road, upstream of East Stephens St.	799
	Private road, northeast of Nugent Crossroads.	812
Glenns Creek.....	Road, east of Nugent Crossroads.	821
	Louisville & Nashville RR.	510
	State road 1659, upstream of Millville.	601
	State road 1659, downstream of dead end road.	666
	Dead end road	677
	State road 1659, upstream of dead end road.	720
	State road 1659, downstream of Steele Rd.	736
	Paynes Depot Rd.	814
	Brown's Mill Rd., upstream of Paynes Depot Rd.	816
	Brown's Mill Rd., downstream of Old Frankfort Rd.	817
South Elkhorn Creek.	Old Frankfort Rd	819

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3617 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3541]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Vidalia, Concordia Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Vidalia, Concordia Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Vidalia, Concordia Parish, La.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Vidalia, Concordia Parish, Louisiana, are available for review at the Town Hall, Vidalia, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Vidalia, Concordia Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vidalia Canal.....	Downstream of U.S. Highways 65 and 84.	57
	Downstream of Laurel St.	63
Mississippi River...	Downstream of northeast corporate limits.	77
	Downstream of Natchez-Vidalia Bridge.	77
	Upstream of southwest corporate limits.	77

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3618 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3546]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Chikaming, Berrien County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Chikaming, Berrien County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Chikaming, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Chikaming, are available for review at the Township Hall, Sawyer, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Chikaming, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary "A".....	Lake Shore Dr.....	594
	Ravenswood Ave..	606
	Evergreen Rd.....	607
	Terry Lane.....	610
	Tower Hill Rd.....	614
	Red Arrow Highway.	617
Tributary "B".....	Prairie Rd.....	594
	Forest Avenue (extension).	598
	Just downstream of Red Arrow Highway.	612
Tributary "C".....	Ravina Rd.....	592
	Birchwood Dr.....	600
	Just upstream of Prairie Rd.	616
	Forest Ave.....	616
Lake Michigan.....	Along shoreline....	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3619 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3545]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Sims, Arenac County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Sims, Arenac County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Sims, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Sims, are available for review at Sims Township Hall, Au Gres, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Sims, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay	14th St. and Crescent Dr. Michigan Ave. and Tonkey Rd.	584 584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3620; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3548]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Spring Lake Village, Ottawa County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Spring Lake Village, Ottawa County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Spring Lake Village, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Spring Lake Village, are available for review at Village Hall, 213 East Savidge Street, Spring Lake, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Spring Lake Village, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Michigan Highway 104.	584
Spring Lake	Grand Trunk Western RR.	584
Lloyds Bayou	Leonard St.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3621; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3444]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of St. Clair, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of St. Clair, St. Clair County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of St. Clair, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Clair, are available for review at City Hall, 411 Trumbull Street, St. Clair, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of St. Clair, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	Brown St	581
Pine River	Port Huron-Detroit RR.	588
	New Fred W. Moore Highway.	595
Jordan Creek	Railroad spur	591
	Standard Oil private Drive.	595

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Fred W. Moore Highway.	597
	Adams St.....	603
	Vine St.....	606
	Brown St.....	608

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3623 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3226]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Whitney, Arenac County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevation are listed below for selected locations in the Township of Whitney, Arenac County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Whitney, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Whitney are available for review at Whitney Township Hall, Au Gres, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the Township of Whitney, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay	Along the shoreline.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34, FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3624 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-2751]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Crystal, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Crystal, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Crystal, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Crystal are available for review at City Hall, 4141 Douglas Drive, Crystal, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Crystal, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch	Winnetka Ave.....	887
Bassett Creek.	Service Rd.....	887
	Minneapolis-Northfield & Southern RR.	886
	Louisiana Ave. North.	884
	Hampshire Ave. North.	882
	Florida Ave. North.	874
	Douglas Dr.....	870
	34th Ave. North...	867
	Brunswick Ave. North.	856
	32d Ave. North....	848
	29th Ave. North...	847
Bassett Creek	South corporate limit.	848
	East corporate limit.	847

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
County ditch 18, branch F.	36th Ave. North ...	865
	North Star Shopping Center.	862
	Chalet Restaurant.	862
	35th Ave. North ...	862
	34th Ave. North ...	861

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3625; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3528]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Natchez, Adams County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevation are listed below for selected locations in the City of Natchez, Adams County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Natchez, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Natchez, are available for review at City Hall, 124 South Pearl Street, Natchez, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the City of Natchez, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Catherine Creek.	State Highway 61	85
	State Highway 551.	104
	Illinois Central Gulf Railroad.	107
	State Highway 61.	121
Mississippi River...	U.S. Highway 84...	77

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3626 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3412]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Lyndhurst, Bergen County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Lyndhurst, Bergen County, N.J. These base (100-year) flood elevations are the basis for the flood plain manage-

ment measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Lyndhurst, N.J.

ADDRESSES: Maps and other information showing the detailed outline of the flood-prone areas and the final elevations for the Township of Lyndhurst, are available for review at Township Hall, Valley Brook Avenue, Lyndhurst, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lyndhurst.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Downstream of Kingsland Ave. Bridge.	12
	Upstream of Kingsland Ave. Bridge.	13
	Conrail.....	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3627 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3521]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Borough of Palmyra, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Palmyra, Burlington County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Palmyra, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Palmyra, are available for review at Borough Hall, 20 West Broad Street, Palmyra, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Palmyra, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

tion to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pennsauken Creek	River Rd.....	10
Delaware River.....	Tacony-Palmyra Bridge from intersection of Temple Blvd. north to corporate limits.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3628 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3518]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Blowing Rock, Watauga County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Blowing Rock, Watauga County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Blowing Rock, N.C.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the Town of Blowing Rock, are available for review at Town Hall, Main Street, Blowing Rock, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Blowing Rock, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Fork Creek.	Sunset Dr.*	3,490
	do.**	3,487
	West Cornish Rd.*	3,486
	do.**	3,483
	U.S. 221-321*	3,482
	do.**	3,480

*Upstream.
**Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3629 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3422]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Nash County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Nash County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Nash County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Nash County, are available for review at Nash County Courthouse, Main Street, Nashville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Nash County, North Carolina.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swift Creek	Seaboard Coast Line RR.	93
	U.S. Route 301.....	96
	N.C. Route 48	116
	Interstate 95	117
	N.C. Route 1003	131
Compass Creek	N.C. Route 1524*	135
	do. **	138
Pig Basket Creek ..	N.C. Route 1609	123
	N.C. Route 1003*	128
	do. **	129
Stoney Creek	N.C. Route 1544*	117
	do. **	118
	N.C. Route 1603	123
	N.C. Route 1600	132
	N.C. Route 1003	137
	N.C. Route 1435*	141
	do. **	142
	N.C. Route 64 by-pass*	143
	do. **	144
	N.C. Route 58*	146
	do. **	147
	U.S. Route 64 by-pass*	150
Maple Creek	N.C. Route 1544*	118
	do. **	119
	N.C. Route 1603*	165
Sapony Creek	N.C. Route 1603	132
	N.C. Route 1717*	132
	do. **	133
	N.C. Route 1704	139
	U.S. Route 58*	141
Tar River	N.C. Route 1544*	112
	do. **	113
	N.C. Route 1745	133
	N.C. Route 1603	133
	N.C. Route 58	135
	N.C. Route 1933	137
	N.C. Route 1001*	145
	do. **	146
	N.C. Route 581	155
	N.C. Route 1145	157
	U.S. Route 64	164
	N.C. Route 1331*	165
	do. **	166
Turkey Creek	N.C. Route 1101*	160
	do. **	161
	N.C. Route 1105	165
	Southern Ry. *	165
	do. **	166
	U.S. Route 264*	167
	do. **	168

* Downstream side.
** Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3630 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3152]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of New Bern, Craven County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of New Bern, Craven County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of New Bern, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of New Bern, are available for review at City Hall, New Bern, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of New Bern, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neuse River	Atlantic and East Carolina RR, east of South Glenburnie Rd. Broad St., east of U.S. 70-U.S. 17 junction.	12
	Pembroke Rd., northeast of extraterritorial limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3631 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-32711]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Wendell, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wendell, Wake County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wendell, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wendell, are available for review at Town Hall, Corner 4th and Pine Street, Wendell, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wendell, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hominy Branch.....	North Carolina State Road 2329.	273
Little River	Southern Ry	226
	U.S. 64.....	227
Lizard Lick Creek..	U.S. 64.....	231
	North Carolina State Road 2353.	257
Buffalo Branch.....	North Carolina State Road 2353.	273
Buffalo Creek	North Carolina State Road 2358.	262
	North Carolina State Road 1007.	267
	Southern Ry	270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3632; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-35171]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Dickinson, Stark County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Dickinson, Stark County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Dickinson, N. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Dickinson, are available for review at City Hall, 122 Second Avenue West, Dickinson, N. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Dickinson, N. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Heart River below Dickinson Dam.	East Broadway St South Main St.....	2,385 2,386

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3633; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3515]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Umatilla County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Umatilla County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Umatilla County, Ore.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Umatilla County are available for review at Umatilla County Courthouse, 216 Southeast 4th Street, Pendleton, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for Umatilla County, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Umatilla River.....	Highway 20 Bridge.	549
	Stanfield Bridge...	589
	U.S. 80 bridge	603
	Echo Bridge	630
	Nolin RR. bridge...	733
	State Highway 11 bridge.	1,103
	Mission Bridge.....	1,209
	Union Pacific RR. bridge.	1,400
	Road bridge (Cayuse).	1,416
	Union Pacific RR. bridge.	1,512
	Thorn Hollow Rd. Bridge.	1,579
Wildhorse Creek ...	Union Pacific RR. bridge (50 ft upstream of mouth).	1,095
	Private bridge.....	1,104
	Union Pacific RR. bridge (185 ft upstream of private bridge).	1,107
	Union Pacific RR. bridge (3,980 ft upstream of private bridge).	1,132
	County bridge (Saxe Station).	1,161
	Union Pacific RR. bridge (300 ft upstream of county bridge—Saxe Station).	1,163
Tutuilla Creek	County bridge.....	1,202
	Highway 395 culvert.	1,047
	Southwest Halley Avenue bridge.	1,053
	Private bridge (50 ft upstream of Pendleton corporate limits).	1,109
	Tutuilla Creek Road Bridge.	1,070
	Private bridge (250 ft upstream of Pendleton corporate limits).	1,111

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Private bridge (450 ft upstream of Pendleton corporate limits).	1,112
McKay Creek.....	Private bridge (1,950 ft upstream of mouth).	1,005
	Southwest Kirk Ave.	1,044
	Concrete Footbridge.	1,059
	Southwest Quinney Ave.	1,064
	Private bridge (4,600 ft upstream of Southwest Quinney Ave.).	1,090
	Private bridge (6,940 ft upstream of Southwest Quinney Ave.).	1,107
	Private bridge (3,750 ft downstream of Birch Dr.).	1,126
	Farm bridge	1,131
	Birch Dr	1,141
	Highway 395	1,160
Mill Creek	Reynolds Canyon bridge.	2,079
	Henry Canyon bridge.	2,207

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3634 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-2996]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Derry, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Derry, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Derry, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Derry, Westmoreland County, Pennsylvania, are available for review in the lobby, Derry Township Municipal Building, 650 Derry Road, Derry, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Derry, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Loyalhanna Creek	Confluence with Miller Run	1,029
	State Route 217 ...	1,029
	U.S. Route 30.....	1,016
	State Route 982 ...	1,007
Saxman Run.....	Private drive.....	1,053
	Township Route 638.	1,046
	LR 64236.....	1,033
	Township Route 638.	1,029
	Center St.....	1,019
	Private drive.....	1,007
	Confluence with unnamed tributary.	1,003
	LR 64236.....	994
	Private drive.....	990
	State Route 981 ...	982
	ConRail	980
	Township Route 831.	979

Source of flooding	Location	Elevation in feet above mean sea level
Miller Run.....	Confluence with Loyalhanna Creek.	970
	Township Route 931.	1,200
	Pennsylvania Route 217.	1,187
	Township Route 930.	1,124
	Pennsylvania Route 217.	1,085
	Township Route 715.	1,082
	Private road.....	1,026
	U.S. Highway 30 West and ConRail.	1,026
McGee Run.....	Corporate limits...	1,134
	Abandoned concrete bridge.	1,120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3635 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3240]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Athens, McMinn County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Athens, McMinn County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Athens, McMinn County, Tenn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Athens, McMinn County, Tenn., are available for review on the Bulletin Board, 815 North Jackson Street, Athens, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Athens, McMinn County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oostanula Creek.	State Highway 30.	856
	Madison Ave	876
	Upstream Corporate Limits.	895
Walker Branch.....	Downstream Side of Old Etowah Rd.	863
	Upstream Side of Old Englewood Rd.	879
Black Branch.....	Upstream Corporate Limits.	845
	Downstream Corporate Limits.	844
Forest Branch	Downstream Side of U.S. Highway 11.	882
	Downstream Side of Louisville and Nashville Railroad.	891
North Mouse Creek.	Kent St.....	936
	Downstream Side of State Highway 30.	802
	Upstream Corporate Limits.	806
	Upstream Corporate Limits.	801
Blue Springs Branch.	Upstream Side of Old Decatur Road.	801
	Upstream Corporate Limits.	811

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 1 to North Mouse Creek.	Downstream Side of Private Drive at Stream Mile 0.30.	808
	Upstream Side of Private Drive at Stream Mile 0.60.	834
	Downstream Side of Layman Rd.	879

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3636; Filed 2-14-78; 8:45 am)

[4210-01]

[Docket No. FI-3244]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of La Villa, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of La Villa, Hidalgo County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of La Villa, Hidalgo County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of La Villa, Hidalgo County, Tex., are available for review at City Hall, La Villa, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of La Villa, Hidalgo County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding...	Intersection of Parker and George Sts.	57
	Intersection of Lackland and Lull Sts.	57
	Intersection of East Ave. and Parker St.	58
	Center St. (between Branch St. and Yarbrough Ave.).	58

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3637 Filed 2-14-78; 8:45 am)

[4210-01]

[Docket No. FI-3310]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Chilhowie, Smyth County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Chilhowie, Smyth County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Chilhowie, Smyth County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Chilhowie, Smyth County, Va., are available for review at the Chilhowie Town Hall, Highway 11, Chilhowie, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Chilhowie, Smyth County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet above mean sea level
Middle Fork Holston River.	Downstream Corporate Limits.	1,945
	Va. Highway 751..	1,946
	Walton Ave., Extended.	1,947

Source of flooding	Location	Elevation, feet above mean sea level
	Church Ave., Extended.	1,948
	Chestnut Ave., Extended.	1,949
	Bonham Ave., Extended.	1,950
	Norfolk and Western Railroad.	1,951
Carlock Creek.....	U.S. Highway 11... Upstream	1,952
	Corporation Limits.	1,952
Sulphur Spring Creek.	Norfolk and Western Railroad.	1,945
	Pendleton, Ave., Extended.	1,947
	Upstream Corporate Limits.	1,947

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3638; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3004]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Elkton, Rockingham County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Elkton, Rockingham County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Elkton, Rockingham County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Elkton, Rockingham County, Virginia, are

available for review at the Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Elkton, Rockingham County, Virginia. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation feet above mean sea level
South Fork of Shenandoah River.	Downstream Town Limits.	950
	Spottswood Avenue.	951
	Confluence with Elk Run.	952
Elk Run.....	Downstream Town Limits.	952
	Norfolk & Western Railroad.	963
	U.S. Route 33.....	975
	U.S. Route 340.....	979
	Upstream Town Limits.	1,002

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3639; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-2517]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Wenatchee, Chelan County, Wash.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 42 FR 31268 on June 20, 1977, the final flood elevation determination for the City of Wenatchee, Chelan County, Washington. This notice will serve as a cancellation of that publication. A new notice of final flood elevation determination will be published in the near future.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-775-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), Effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3640 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3249]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Gays Mills, Crawford County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Gays Mills, Crawford County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the Village of Gays Mills, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Gays Mills, are available for review at Village of Gays Mills, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Gays Mills, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kickapoo River	Dam.....	703
	Main St.....	702

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3641; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3250]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Glendale, Milwaukee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Glendale, Milwaukee County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Glendale, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Glendale, are available for review at City Hall, 5909 North Milwaukee River Parkway, Glendale, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Glendale, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Milwaukee River...	Port Washington Rd.	620
	U.S. 141.....	620
	Hampton Ave.....	622
	Chicago & Northwestern RR.	622
	Silver Spring Dr...	625
	Bender Rd.....	631
	Chicago & Northwestern RR.	632
	Green Tree Rd.....	636
	Good Hope Rd.....	638

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3642; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3433]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of McFarland, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of McFarland, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of McFarland, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of McFarland, are available for review at Village Hall, 5915 Milwaukee Street, McFarland, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of McFarland, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Lake, Yahara River, Lake Waubesa.	U.S. Highway 51, Bridge.	847
	Exchange St. Bridge.	847
	Inlet of Mud Lake	846
	Outlet of Mud Lake.	846

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3643 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3434]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Monona, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Monona, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Monona, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Monona are available for review at City Hall, 5211 Schluter Road, Monona, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Monona, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Monona-Yahara River.	Bridge Rd. U.S. Highway 12 and 18.	848 848

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3644 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3254]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Stoughton, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Stoughton, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Stoughton, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Stoughton, are available for review at City Hall, 381 East Main Street, Stoughton, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Stoughton, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yahara River.....	4th St. culvert.....	835
	Stoughton Dam.....	842
	Forton Street Bridge.	842
	Main Street Bridge.	842
	Chicago, Milwaukee, St. Paul & Pacific RR Bridge.	843

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3645 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3496]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Glenwood, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Glenwood, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Glenwood, Cook County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glenwood, Cook County, Ill., are available for review at the lobby of the Village Hall, 13 South Rebecca Street, Glenwood, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Glenwood, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Thorn Creek.....	Chessie System RR Bridge.	614
	Chicago Heights-Glenwood Rd.	615
	Chessie System.... Corporate limits (upstream).	615
Butterfield Creek..	Chicago Heights-Glenwood Rd.	615
	Confluence of Gay Stream.	616
	Halsted St.....	618
Deer Creek.....	C&E L&N RR Bridge downstream.	618
	C&E L&N RR Bridge upstream.	620
	Young St.....	620

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3646; Filed 2-14-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7533]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

DISC Rules on Procedure and Administration; Rules on Export Trade Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to domestic international sales corporation (DISC) rules on procedure and administration and rules relating to export trade corporations. Changes to the applicable tax law were made by the Revenue Act of 1971. These regulations provide necessary guidance to DISC and export trade corporations for compliance with the law.

EFFECTIVE DATE: In general, the regulations are effective for taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT:

David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On Thursday, September 16, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 971, 6011, 6071, 6072, and 6081 of the Internal Revenue Code of 1954 and to the regulations on Procedure and Administration (26 CFR Part 301) under sections 6011, 6072, 6501, and 6686 of the Internal Revenue Code of 1954, 41 FR 39762. The amendments were proposed to conform the regulations to sections 504 and 505(c) of the Revenue Act of 1971 (85 Stat. 550). No public comments were received regard-

ing the proposed amendments. Those amendments are adopted by this Treasury decision except that this Treasury decision: (1) deletes from the proposed amendments the statutory provisions whose corresponding Code sections were amended (e.g. Code section 971(a) was amended, § 1.971 was deleted); (2) revises references to Code section 6011(e)(2) in the proposed amendments in three places to read as 6011(c)(2) (these changes are made to conform to amendments made to the Internal Revenue Code of 1954 by 1904(b)(10)(A)(ii) of the Tax Reform Act of 1976 (90 Stat. 1817)); and (3) corrects a cross reference.

QUALIFYING AS AN EXPORT TRADE CORPORATION

Section 505(c) of the Revenue Act of 1971 amends section 971(a) to provide that a controlled foreign corporation may not qualify as an export trade corporation for a taxable year beginning after October 31, 1971, unless it so qualified for a taxable year beginning before such date and the corporation continues to qualify. Section 1.971-1(a)(1) is amended to reflect this rule.

FILING REQUIREMENTS FOR DISC'S

Section 504 of the Revenue Act of 1971 amends sections 6011, 6072, and 6501, and adds a new section 6686. Section 6011 is amended to require a DISC or former DISC to furnish such information to its shareholders and to the Secretary or his delegate and to keep such records as may be required by regulations. Also, a DISC is required to file such return for its taxable year as may be required by forms or regulations. A new § 1.6011-2 is added to provide that a DISC must maintain the records prescribed pursuant to section 6001 and must furnish to each of its shareholders a copy of Schedule K (Form 1120-DISC) disclosing the amount of distributions to such shareholder for the taxable year. Section 1.6011-2 also requires that a DISC or former DISC file a return on Form 1120-DISC, which return is an income tax return.

Section 6072 is amended to require that a return of a DISC be filed on or before the 15th day of the 9th month following the close of its taxable year. Section 1.6072-2 is amended to reflect this rule. In addition, §§ 1.6071-1, 1.6081-1, and 1.6081-3 are amended to provide that a DISC shall not be allowed an extension of time for filing of its return.

Section 6501 is amended to provide that a corporation which determines in good faith that it is a DISC and files a return as such will have such return deemed to be the return of a corporation which is not a DISC if such corporation is later held not to be a DISC during the taxable year for

such year. Section 301.65-1(g)-1 is amended to reflect this rule.

New section 6686 sets forth penalties for failure to file a DISC return or to supply information not excused by reasonable cause. Section 301.6686-1 elaborates upon these penalties.

DRAFTING INFORMATION

The principal author of this regulation was Marcus B. Blumkin of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the proposed amendments are adopted with changes as set forth below:

Paragraph 1. Paragraph 1 of the proposed amendments is revised to read as follows: "Section 1.971 is deleted."

Par. 2. Paragraph 3 of the proposed amendments is revised to read as follows: "Section 1.6011 is deleted."

Par. 3. Paragraph 6 of the proposed amendments is revised to read as follows: "Section 1.6072 is deleted."

Par. 4. Paragraph 7 of the proposed amendments is revised by changing "6011(e)(2)" to "6011(c)(2)" and by changing "\$1.6081-3(a)" to "\$1.6081-3(e)" in paragraph (e) of § 1.6072-2.

Par. 5. Paragraph 9 of the proposed amendments is revised by changing "6011(e)(2)" in paragraph (e) of § 1.6081-3 to "6011(c)(2)".

Par. 6. Paragraph 10 of the proposed amendments is revised to read as follows: "Section 301.6011 is deleted."

Par. 7. Paragraph 11 of the proposed amendments is revised to read as follows: "Section 301.6072 is deleted."

Par. 8. Paragraph 12 of the proposed amendments is revised to read as follows: "Section 301.6501(g) is deleted."

Par. 9. Paragraph 13 of the proposed amendments is revised by changing "6011(e)(2)" in paragraph (c) of § 301.6501(g)-1 to "6011(c)(2)".

Par. 10. Paragraph 14 of the proposed amendments is revised by—

(a) Revising the instructional paragraph to read as follows: "Par. 14. New § 301.6686-1 is added immediately after 301.6685-1. This added provision reads as follows:";

(b) Deleting § 301.6686; and by

(c) Changing "6011 (e)" in paragraphs (a) and (b) of § 301.6686-1 to "6011(c)."

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue

Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

WILLIAM E. WILLIAMS,
Acting Commissioner of
Internal Revenue.

Approved: January 27, 1978.

DONALD C. LUBICK,
Acting Assistant Secretary
of the Treasury.

Paragraph 1. Section 1.971 is deleted.

§ 1.971 [Deleted]

Par. 2. Section 1.971-1(a)(1) is revised by adding the following material to the end thereof:

§ 1.971-1 Definitions with respect to export trade corporations.

(a) *Export trade corporations*—(1) *In general.* * * * However, no controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. In addition, if a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after October 31, 1971, then for any taxable year beginning after such 3 year period, such corporation shall not be included within the term "export trade corporation".

PAR. 3. Section 1.6011 is deleted.

§ 1.6011 [Deleted]

PAR. 4. A new § 1.6011-2 is added immediately after § 1.6011-1. This added provision reads as follows:

§ 1.6011-2 Returns, etc., of DISC's and former DISC's.

(a) *Records and information.* Every DISC and former DISC (as defined in section 992 (a)) must comply with section 6001 and the regulations thereunder, relating to required records, statements, and special returns. Thus, for example, a DISC is required to maintain the books of account or records described in § 1.6001-1(a). In addition, every DISC must furnish to each of its shareholders on or before the last day of the second month following the close of the taxable year of the DISC a copy of Schedule K (Form 1120-DISC) disclosing the amounts of actual distributions and deemed distributions from the DISC to such shareholder for the taxable year of the DISC. In the case of a deficiency distribution to meet qualification requirements, see § 1.992-3(a)(4) for requirements that distribution be designated in the form of a communication sent to a shareholder and service center at the time of distribution.

(b) *Returns*—(1) *Requirement of return.* Every DISC (as defined in sec-

tion 992 (a) (1)) shall make a return of income. A former DISC (as defined in section 992 (a) (3)) shall also make a return of income in addition to any other return required. The return required of a DISC or former DISC under this section shall be made on Form 1120-DISC. The provisions of §1.6011-1 shall apply with respect to a DISC and former DISC. A former DISC should indicate clearly on Form 1120-DISC that it is making a return of income as a former DISC (for example, by labeling at the top of the Form 1120-DISC "Former DISC"). In the case of a former DISC, those items on the form which pertain to the computation of taxable income shall not be completed, but Schedules J, K, L, and M must be completed. Except as otherwise specifically provided in the Code or regulations, the return of a DISC or former DISC is considered to be an income tax return.

(2) *Existence of DISC.* A corporation which is a DISC and which is in existence during any portion of a taxable year is required to make a return for that fractional part of its taxable year during which it was in existence.

PAR. 5. Section 1.6071-1(b) is revised to read as follows:

§1.6071-1 Time for filing returns and other documents.

(b) *Return for a short period.* In the case of a return with respect to tax under subtitle A of the Code for a short period (as defined in section 443), the district director or director of the Internal Revenue Service Center may, upon a showing by the taxpayer of unusual circumstances, prescribe a time for filing the return for such period later than the time when such return would otherwise be due. However, the district director or director of the Internal Revenue Service Center may not extend the time when the return for a DISC (as defined in section 992(a)(1)) must be filed, as specified in section 6072(b).

PAR. 6. Section 1.6072 is deleted.

§1.6072 [Deleted]

PAR. 7. Section 1.6072-2 is revised by redesignating paragraph (e) as paragraph (f) and by adding a new paragraph (e). This added provision reads as follows:

§1.6072-2 Time for filing returns of corporations.

(e) *DISC's and former DISC's.* The return required under section 6011(c)(2) of a corporation which is a DISC (as defined in section 992(a)

shall be filed on or before the 15th day of the 9th month following the close of the taxable year. For the rule that a DISC may not have an extension of time in which to file such return, see §§1.6071-1(b), 1.6081-1(a), and 1.6081-3(e). The return required under §1.6011-2(b)(1) by a former DISC shall be filed at the time it is required to file its income tax return.

PAR. 8. Section 1.6081-1(a) is amended by revising the second sentence thereof to read as follows:

§1.6081-1 Extension of time for filing returns.

(a) *In general.* * * * However, other than in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months, and an extension of time for the filing of a return of a DISC (as defined in section 992(a)), as specified in section 6072(b), shall not be granted.

PAR. 9. Section 1.6081-3 is amended by adding a new paragraph (e) immediately after paragraph (d) to read as follows:

§1.6081-3 Automatic extension of time for filing corporation income tax returns.

(e) Paragraphs (a) through (d) of this section shall not apply to returns filed by a DISC pursuant to section 6011(c)(2).

PROCEDURE AND ADMINISTRATION REGULATIONS

PAR. 10. Section 301.6011 is deleted.

§301.6011 [Deleted]

PAR. 11. Section 301.6072 is deleted.

§301.6072 [Deleted]

PAR. 12. Section 301.6501(g) is deleted.

§301.6501 [Deleted]

PAR. 13. Section 301.6501(g)-1 is revised by adding a new paragraph (c). This added provision reads as follows:

§301.6501(g)-1 Certain income tax returns of corporations.

(c) *DISC.* If a corporation determines in good faith that it is a DISC (as defined in section 992(a)(1)) for a taxable year and files a return as such pursuant to section 6011(c)(2), and if the corporation is thereafter held to be a corporation which is not a DISC for the taxable year for which the return was filed, then—

(1) Such return shall be deemed to be the return of the corporation for the purpose of section 6501.

(2) Such return if filed within the time required by section 6072(b) for filing a DISC return shall be deemed to be filed within the time required by section 6072(b) for filing of a return by a corporation which is not a DISC, and

(3) Interest on underpayment and overpayments allowed by chapter 67 of the Code and additions to the tax, additional amounts and assessable penalties allowed by Chapter 68 of the Code, when determined by reference to the time for filing of a return, shall be determined by reference to the time required by section 6072(b) for filing of a return by a DISC.

PAR. 14. New section §301.6686-1 is added immediately after §301.6685-1. This added provision reads as follows:

§301.6686-1 Failure of DISC to file returns.

(a) *In general.* In addition to the penalty imposed by section 7203 (relating to willful failure to file a return, supply information, or pay tax) any person who is required to supply information or to file a return under section 6011(c) (relating to records and returns of DISC's) and who fails to supply such information or file such return at the time prescribed in sections 6072(b) and 1.6072-2(e) shall pay a penalty of \$100 for each failure to supply information (provided that the total amount imposed on the delinquent person for all such failures during a calendar year shall not exceed \$25,000) and a penalty of \$1,000 with respect to each failure to file a return, unless it is shown that such failure is due to a reasonable cause.

(b) *Showing of reasonable cause.* The penalty imposed by section 6686 shall not apply to any person with respect to a failure to supply information, or to file a return, under section 6011(c) if it is established to the satisfaction of the district director or director of the Internal Revenue Service Center that such failure was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, which contains a declaration by such person that the statement is made under the penalties of perjury, and sets forth all the facts alleged as reasonable cause.

[FR Doc. 78-4198 Filed 2-14-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICARE PROGRAM; MEDICAL ASSISTANCE PROGRAM

Designation of Section Numbers; Correction of Agency Title and Cross References

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding amendments that were made to the regulations governing the medicare program (Title XVIII, Social Security Act) and the medical assistance program (Title XIX, Social Security Act). These amendments were published at 42 FR 65112 on December 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, 202-245-1960.

In FR Doc. 77-36997 appearing at pages 65113-65122 in the FEDERAL REGISTER of Thursday, December 29, 1977 (Part V of that issue), the following corrections are made.

1. On page 65113, the amendatory language "42 CFR Chapter IV, Parts 405, 445, 452, and 460 through 480 are revised as follows:" should read "42 CFR Chapter IV, Parts 405, 446 through 452 and 460 through 480 are revised as follows:".

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

2. On page 65114, under item 1, "§ 405.903(c)" should read "§ 405.904(c)".

3. On page 65114, item 5 which reads "In the following 'Bureau of Health Insurance' is change to 'Medicaid Bureau'." should read "In the following 'Bureau of Health Insurance' is changed to 'Medicare Bureau'".

4. On page 65114, under item 8, "Actuary" should read "Actuary".

PART 448—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

5. On page 65116, under item 12 (first column, second entry), "§ 448.1(a)(1)(ii); (b)(2) (ii) and (iii); and (c) (i) and (ii)" should read "§ 448.1(a)(1)(ii); (b)(2) (ii) and (iii); and (c) (1) and (2)".

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

6. On page 65117, under item 13 (10th item under fourth column) "§ 449.33 (a)(8)(i) and (i) (A) and (B);

and" is deleted. The regulation section cited has been revoked.

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

7. On page 65120, item 33 is deleted. Section 450.25 has already been amended to reflect the abolishment of the Social and Rehabilitation Service.

8. On page 65120, under item 26, "§ 450.90(a)(1)(ii)(B)" should read "§ 450.90(b)(1)(ii)(B)".

Dated: February 3, 1978.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-4082 Filed 2-14-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21208; RM-2766]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Bloomington, Highland, and Kieler, Wis.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns UHF-TV channels to three communities in southwest Wisconsin for high power noncommercial educational translator use to carry programming of the Wisconsin educational television network.

EFFECTIVE DATE: March 23, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of assignments, television broadcast stations. (Bloomington, Highland, and Kieler, Wis.), Docket No. 21208; RM-2766. Report and order.

Adopted: February 7, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration the Notice of Proposed Rule Making, adopted April 15, 1977, 42 FR 21631, proposing the assignments of Television Channels *49¹ to Bloomington, Wis., *51 to Highland, Wis., and

¹Petitioner originally requested Channel *38 for assignment to Bloomington. However, that is no longer possible since the chan-

ton, Wis., *51 to Highland, Wis., and *46 to Kieler, Wis., each to be reserved for noncommercial educational use. Petitioner, The State of Wisconsin Educational Communications Board, operates several noncommercial educational TV stations throughout the State.²

2. The Notice indicated that the proposal was designed to extend petitioner's statewide service by utilizing high-powered translators³ on the requested channels to bring Wisconsin ETV network service to an area now lacking it. Petitioner states in its comments that it will apply for the proposed channels if assigned and construct promptly if authorized to do so.

3. Pertinent data regarding the three communities were adequately set forth in the Notice and will not be repeated here.

4. The Commission finds that the public interest would be served by adoption of the proposal. The use of the three channels in the southwest portion of the state will extend the statewide educational network service which now serves over 97 percent of the State's population (including service to be provided from the proposed Park Falls station) to an additional 25,000 persons. All applicable mileage separation requirements can be met.

5. Accordingly, it is ordered, That the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended to read as follows for the communities listed below effective March 23, 1978.

City and channel No.

Bloomington, Wis., *49.
Highland, Wis., *51.
Kieler, Wis., *46+.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

nel was assigned to Fort Madison, Iowa, Docket No. 20878, adopted September 6, 1977. However, petitioner has stated it has no objection to the assignment of Channel *49 to Bloomington instead.

²Petitioner operates Station WPNE (Channel *38) Green Bay; Station WHWC-TV (Channel *28), Menomonie; Station WHLA-TV (Channel *31), La Crosse; Station WHRM-TV (Channel *20), Wausau; and is permittee of Station WLEF-TV (Channel *36), Park Falls; with network affiliates WHA-TV (Channel *21) in Madison, and WMVS (Channel *10) in Milwaukee.

³High powered UHF translator stations may operate only on assigned channels. See Sections 74.702(g) and 74.735(e) of the Commission's Rules.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

(FR Doc. 78-4140 Filed 2-14-78; 8:45 am)

[6712-01]

[Docket No. 21355; RM-2834]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Cape Charles, Va.;
Changes Made in Table of Assignments

AGENCY: Federal Communications
Commission.

ACTION: Report and order.

SUMMARY: This action assigns Channel 241 to Cape Charles, Virginia, (pop. 1,689), as its first FM channel assignment. Although Class B channels are normally assigned only to larger communities, the Commission has found it beneficial to provide such wide-area coverage service to this area of Virginia, since there are few population centers to which Class A channels could be assigned.

EFFECTIVE DATE: March 22, 1978.

ADDRESSES: Federal Communications
Commission, Washington, D.C.
20554.

FOR FURTHER INFORMATION
CONTACT:

Mark N. Lipp, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION:
In the matter of amendment of
§73.202(b), Table of Assignments, FM
Broadcast Stations. (Cape Charles,
Va.) Docket No. 21355 RM-2834.

Report and order (Proceeding Terminated).

Adopted: February 3, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making, 42 FR 41304, released August 10, 1977, proposing to assign Channel 241 to Cape Charles, Va., as its first FM channel assignment. Petitioner, J. Grayson Duer, has filed comments and reply comments. Opposing comments were submitted by Parker-Rew Enterprises ("Parker-Rew"), licensee of AM Station WEXM, Jamesville, Va., and FM Station WEXM-FM, Exmore, Virginia. A letter in opposition was sent by Edward A. Parry, a local merchant.

2. The Notice proposed to assign Channel 241 to Cape Charles (pop. 1,689¹) as its first FM assignment. The

¹All population data are taken from the 1970 U.S. Census, unless otherwise indicated.

Notice indicated that the proposal would conform to all mileage separation requirements and that the only community without local service precluded by the proposed assignment would have another FM channel available for assignment. It was noted by petitioner that a Class B station could provide a second aural service to an area of 62 square kilometers (24 square miles) with 1,374 persons if the station operated with facilities of 30 kW at 91 meters (300 feet) HAAT.

3. Parker-Rew argues against an exception to the Commission's policy of assigning Class B or Class C channels only to larger communities. This, it says, is warranted only where a substantial first and second FM service would be provided. In this case it insists that the proposed amount of such service, if correct, is insubstantial and that the area in question appears to be uninhabitable. This area is described by Parker-Rew's engineering statement as consisting of tidal mudflats and low marshy islands. Thus, it claims that the method used to derive a population figure for this area is invalid. Parker-Rew also argues that the Class B proposal should be denied because Cape Charles already receives six FM services chiefly from stations in the Norfolk-Portsmouth and Newport News-Hampton urbanized areas. Finally, it contends that since Cape Charles is located near these urbanized areas and the proposed station would place a 1 mV/m signal over the area, it is unrealistic to believe that the proposal is designed to provide service to Cape Charles.

4. In reply, petitioner points out that Parker-Rew is licensed to serve Exmore (pop. 1,421) and asserts that its only interest is to prevent competition.² In response to the contention that Cape Charles is too small to warrant a Class B station, petitioner responds that Exmore (with a Class B station) is smaller than Cape Charles, and there is no larger community in the area without local service to which the channel could be assigned. As to its showing that a second aural service would be provided, it notes that its method of estimating population is the one specified by the Commission and indicates that there is no basis for concluding that the area in question is uninhabitable.

5. Finally, petitioner argues that the allegation that its proposal is designed to serve the Norfolk and Newport News urbanized areas, is irrelevant to

²In a letter, Edward A. Parry expresses concern about the economic impact of an additional radio station in this area. However, as we have consistently held, the resolution of any such issues involving competitive impact are best left to the application stage. Melbourne and Satellite Beach, Fla., 47 F.C.C. 2d 717 (1974); Ogallala, Nebr., 41 FR 23955, Docket 20070.

the rule making proceeding and, in any event, that its proposed station's 3.16 mV/m contour will not reach the Norfolk or Newport News areas.

6. Before dealing with the Commission's policy with respect to assigning Class B stations to small communities, a few preliminary matters should be addressed. First petitioner's method of calculating population totals by assuming equal distribution over an area is an acceptable procedure. If Parker-Rew had a better estimate then it should have made that information known. Secondly, petitioner is correct that the 70 dBu (3.16 mV/m) contour of a maximum Class B Cape Charles facility would not reach Norfolk, Virginia Beach, or Newport News, and would cover only an insignificant portion of Hampton. Thus, there is no basis at this point for believing that the station is realistically designed to serve a community other than Cape Charles.

7. On the matter of the class of channel, Parker-Rew is correct that we have a general policy which seeks to assign Class B/C channels only to larger communities. However, on previous occasions, when taking a closer look at the southern portion of the Delmarva peninsula, we found that the area has few population centers and that to insure effective service, it usually would be necessary to utilize Class B channels. See Tasley, Va., 5 R.R. 2d 1754, 1761 (1965), and Exmore, Va., 18 R.R. 2d 1605, 1608 (1970), where the need for wide-area coverage stations was stressed in assigning Class B channels to these communities of 762³ and 1,421 persons, respectively. Likewise, support is found in Princess Anne and Pocomoke City, Md., 42 F.C.C. 2d 338 (1973), and Ocean City, Md., 35 F.C.C. 2d 473, 24 R.R. 2d 1903, 1905 (1972). Following this approach, we find the same considerations justifying a Class B assignment to Cape Charles. The surrounding area, especially to the north and east, has few services and the proposal could provide some second aural service. We therefore feel that assignment of Channel 241 to Cape Charles would represent effective utilization of the channel.

8. Accordingly, it is ordered, That the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the following community; Effective: March 22, 1978.

City and Channel No.

Cape Charles, Va., 241.

9. The Commission's authority for the above action is contained in sec-

³This population estimate was taken from information provided in the pleadings in that case. There is no Census figure for Tasley.

tions 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and §0.281 of the Commission's Rules.

It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4141 Filed 2-14-78; 8:45 am]

[6712-01]

[Docket No. 21205; RM-2781]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Lihue (Kauai)
Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns Channel *67 to Lihue, Hawaii, for high-power noncommercial educational translator use. The proponent, Hawaii Public Broadcasting Authority, which already operates noncommercial educational stations in Honolulu and Wailuku, seeks to rebroadcast its programming throughout the State with the use of translator stations.

EFFECTIVE DATE: March 23, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §73.606(b), table of assignments, television broadcast stations (Lihue [Kauai], Hawaii), Docket No. 21205 RM-2781.

Report and order (proceeding terminated).

Adopted: February 7, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making, adopted April 15, 1977, 42 FR 22183, proposing the assignment of UHF TV Channel *67 to Lihue, Hawaii, and reserving it for noncommercial educational use. Petitioner, the Hawaii Public Broadcasting Authority, licensee of Station KHET (Channel 11), Honolulu, Hawaii, and Station KMEB-TV (Channel 10), Wailuku, Hawaii (satellite of Station KHET), submitted comments¹ reaffirming its intent to apply for the channel if assigned and to construct a station promptly if issued a permit.

2. Lihue (pop. 3,124),² the seat of Kauai Island (pop. 27,761), is located approximately 160 kilometers (100 miles) northwest of Honolulu. Lihue has no local TV service but receives the programming of many stations via locally operated translators.

3. The Notice indicated that petitioner sought the assignment of Channel *67³ to Lihue so that it may oper-

¹ Petitioner submitted its comments after the announced cut-off date. However, we believe it appropriate to accept them so as to avoid the delay involved if we required petitioner to refile its proposal.

² All population data are taken from the 1970 U.S. Census.

³ The Notice also stated that although Channels *21 and *27 were assigned to Lihue and available for noncommercial edu-

ate a high-powered (one kilowatt) translator station.⁴ Petitioner states that it intends, through the use of translators, to implement a statewide plan which would provide noncommercial educational programming throughout the Hawaiian Islands.

4. The Commission believes the public interest would be served by adoption of the proposal. This assignment will provide noncommercial educational programming for Lihue and Kauai Island and represents an efficient utilization of available frequencies. All mileage separation requirements have been met.

5. Accordingly, *it is ordered*, That effective March 23, 1978, the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, is amended to read as follows for the community listed:

City and channel No.

Lihue, Hawaii, 3+, *8-, 10+, 12-, 15-, *21-, *27-, *67

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4142 Filed 2-14-78; 8:45 am]

cational translator use, Channel 67 was chosen so that it could make use of receiving antennas on the island, all of which are designed to receive Channels 55 and above.

⁴ High powered UHF translators may be operated only on assigned channels. See Sections 74.702(g) and 74.735(e) of the Commission's Rules.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 209]

INTERNATIONAL VOLUNTARY AGREEMENTS

Recordkeeping Requirements

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and request for public comments.

SUMMARY: These proposed amendments to the rules relating to recordkeeping in connection with communications between or among participants in the Voluntary Agreement and Plan of Action to Implement the International Energy Program are intended to simplify, reduce the volume of, and augment the information contained in, records maintained by participants in the Voluntary Agreement. These recordkeeping requirements would be amplified as necessary during actual allocation of oil under Chapter III and IV of the Agreement on an International Energy Program or during an allocation systems test conducted in conjunction with the International Energy Agency (IEA).

EFFECTIVE DATE: Date of Issuance.

DATES: Comments must be received by March 13, 1978, 4:30 p.m., e.s.t.

REQUEST TO SPEAK

By February 28, 1978, 4:30 p.m., e.s.t.

HEARING STATEMENTS

By March 8, 1978, 4:30 p.m., e.s.t.

HEARING DATE

March 10, 1978, 9:30 a.m., e.s.t.

ADDRESSES: All comments to:

Office of Regulations Management,
Box RS, Department of Energy,
Room 2214, 2000 M Street NW.,
Washington, D.C. 20461.

REQUESTS TO SPEAK

Attention: Office of Regulations
Management, Box RS, Department
of Energy, Room 2214, 2000 M
Street N.W., Washington, D.C.
20461.

HEARING LOCATION

Room 2105, 2000 M Street N.W.,
Washington, D.C. 20461.

FOR FURTHER INFORMATION
CONTACT:

Martin S. Kaufman or Robert C. Goodwin, Jr., Office of General Counsel, Department of Energy, Room 5116, The Federal Building, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20461, telephone, 202-566-9380.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Purpose of Proposed Amendments
- III. Comments Previously Received
- IV. Comments and Hearings
- V. Proposed Amendments

I. BACKGROUND

On August 26, 1976, the Federal Energy Administration (FEA) issued proposed amendments to Part 209 of Chapter II, Title 10, Code of Federal Regulations, in order to clarify, simplify and make consistent the recordkeeping requirements applicable to international voluntary agreements (41 F.R. 37128, et seq., September 2, 1976). By notice published on September 22, 1976 (41 FR 41432), the period for comments was extended through November 1, 1976. Three comments were received with regard to the proposed amendments, but no hearing was held because of lack of sufficient interest. The proposed amendments were not embodied in a final rule.

Because of the time which has elapsed since the first issuance of the proposed amendments and because the establishment of the Department of Energy (DOE) has resulted in new administrative procedures, DOE deems it advisable to reissue the proposed amendments, revised to take into account certain of the comments previously received. Further comments are invited.

II. PURPOSE OF THE PROPOSED AMENDMENTS

Since their publication in February 1976, FEA and DOE have monitored the effectiveness of the recordkeeping requirements applicable to participants in the Voluntary Agreement under Part 209 of its regulations. FEA and DOE have observed that a large number of duplicative records dealing with routine matters have been submitted. In addition, there is a need for some clarification with respect to the information needed for antitrust monitoring required under the Energy Policy and Conservation Act ("EPCA") (Pub. L. 94-163, 42 U.S.C. § 6272). In order to rectify this situation, and to alleviate the burdens on both the gov-

ernment and participants in the Voluntary Agreement, DOE hereby proposes to amend Part 209 of Chapter II, Title 10, Code of Federal Regulations, to minimize recording of non-substantive matters while at the same time providing further guidance with respect to those matters which should be recorded in detail.

Where any communication is written and demonstrates on its face that it was already furnished to the appropriate official of DOE, the amended regulation would exempt a participant from making a record thereof and from sending an additional copy to DOE. The description of "written communication" has been clarified as including several forms of electronically or photoelectrically transmitted or recorded data commonly used.

Where the communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place of a meeting, establishment or adjustment of a meeting agenda, travel arrangements or similar matters), it would not need to be recorded in detail. Such communications which occurred during an actual emergency or an allocation systems test at IEA headquarters would not have to be recorded at all since U.S. Government monitors would be present at IEA headquarters.

To the extent that any communication involves matters which recapitulate material already contained in a full and complete record, the regulation would be amended to provide that the substance of such matters need not be recorded in detail, so long as reference is made to the record and the portion thereof where the material is fully set out.

The requirement that records be deposited "promptly" would be amended to permit their deposit within fifteen days after the end of the month in which they were prepared so as to enable participants to aggregate records and deposit them on a monthly basis during non-emergencies. However, it is anticipated that written records which are provided by one participant to other participants would be provided contemporaneously to DOE.

Under the proposal, § 209.34, providing for maintenance of records during the carrying out of voluntary agreements, would be amended in a similar fashion. In addition to the amendments discussed above, this section would also be amended to provide that where there are several communica-

tions within the same day involving the same participants, a cumulative record for the day may be kept. The requirement providing for "prompt" deposit of records would, as in the case of § 209.24, be amended to permit deposit within fifteen days after the end of the month in which they were prepared.

In view of the fact that DOE (and previously FEA) has received several records of communications between participants and U.S. Government personnel, it should be noted that such communications are exempt from recordation, since both §§ 209.24 and 209.34 do not apply to communications with governmental or international organizations. Sections 209.24 and 209.34 would also be amended to provide for keeping of records of communications between a participant and any other member of a petroleum industry group of subgroup created by the IEA. This change is consistent with the most recent amendment to Section 5(b) of the Voluntary Agreement.

Section 209.34 would further be amended by the addition of a new subsection (e), which provides that for international oil allocation pursuant to Chapters III and IV of the Agreement on an International Energy Program, or for an IEA allocation systems test, the recordkeeping requirements stated in § 209.34 may be further amplified through the issuance of such guidelines as DOE determines to be necessary and appropriate.

DOE believes these amendments to §§ 209.24 and 209.34 would simplify and reduce recording of material which is not essential to antitrust monitoring.

III. COMMENTS PREVIOUSLY RECEIVED

Certain persons submitting comments suggested that the language in § 209.24(b)(3), dealing with administrative communications, be made consistent with that used in the corresponding § 209.34(b)(3). DOE agrees with this suggestion, and accordingly has revised § 209.34(b)(3) to parallel § 209.24(b)(3).

Some comments also questioned the proposed amendment of § 209.34(b)(2) which added a definition of "substance" to the requirement that the record of a communication between participants include "a description of the communication in sufficient detail to convey adequately its substance." Such comments objected that this was contrary to Congressional intent that communications during emergencies be prepared on a simplified basis, and to FEA's acknowledgment in the preamble to Part 209 that the language of § 209.34 was "sufficiently flexible so as to permit a lesser amount of detail during emergencies" (41 FR 6754). The regulation proposed herein does not attempt to define "substance," but

retains the requirement that records of communications be kept in sufficient detail to convey the substance thereof.

Certain comments suggested that in connection with proposed § 209.24(b)(2) and § 209.34(b)(2), the regulation should be amended to provide that where a communication indicates on its face that a copy has been sent to any official of DOE, or to DOE itself, this will satisfy the requirement of §§ 209.24(c) and 209.34(c) that a copy be deposited with the Secretary. DOE agrees with this suggestion in principle, but believes that permitting omission of filing when a copy of a communication has been sent to "any" DOE official gives rise to a possibility of communications being inadvertently sent to a DOE official not concerned with the matter. Therefore, § 209.24(b) and 209.34(b) have been revised to permit omission of filing when a copy of a communication shows it has been sent to the proper DOE official.

Finally, some persons objected to the proposed revision to the requirements of § 209.24(c) and 209.34(c), that records be deposited "promptly." As originally proposed, those sections required that records be deposited within seven days of their preparation during an emergency, and within thirty days of their preparation during nonemergencies. It was suggested that these requirements would be burdensome, because records prepared daily would necessarily have to be deposited on a daily basis, and since participants would no longer have the convenience of aggregating records on the basis of a representative period. In order to reduce the burden imposed by these requirements, §§ 209.24(c) and 209.34(c) have been revised to provide that records may, except during IEA emergency allocation or allocation systems tests, be deposited within fifteen days after the month of their preparation, and during actual oil allocation or tests of the allocation system, within seven days after the week (ending Saturday) of their preparation. Thus, during normal periods, participants will be able to deposit their records on a monthly basis, and will have two weeks after the close of the month to assemble them; during actual oil allocation or tests of the allocation system, records shall be deposited on a weekly basis, with a week after the close of the week in question available for aggregation. As with other recordkeeping requirements, the rules with respect to deposit of records may be modified during an actual international oil allocation or during a test of the allocation system. DOE believes that this will improve the efficiency of the present requirements.

IV. COMMENTS AND HEARINGS

A. WRITTEN COMMENTS

Interested persons are invited to submit written data, comments or arguments with respect to these proposed amendments. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Recordkeeping Relating to International Voluntary Agreements." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., March 16, 1978, will be considered by the DOE in evaluating the proposed amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARINGS

The times and places for the hearings and date and location for requesting to speak at the hearings are indicated at the beginning of this notice. If necessary to hear all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearings. Any person who has an interest in these recommendations or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through March 9, 1978. Each person selected to be heard will be so notified by the DOE before 4:30 p.m., e.s.t., March 2, 1978, and must submit 100 copies of his statements to Office of Regulations Management, DOE, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 8, 1978.

The DOE reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. The hearings will not be judicial or evidentiary in nature. Questions may be asked only by those conducting the hearings. There will be no cross-examination of persons presenting statements. Any decision made by the DOE with re-

spect to the subject matters of the hearings will be based on all information available to the DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearings to Office of Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., February 28, 1978. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer at the time of the hearing. The DOE, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the DOE and made available for inspection in the DOE Freedom of Information Office, Room 2107, Federal Building, 1200 Pennsylvania Avenue NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

This proposal is procedural only, and the requirement in Section 7(c)(1) of the Federal Energy Administration Act, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance, is hereby deemed not to apply.

NOTE.—The proposed rule has been reviewed in accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein. (Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; E.O. 11790, 39 FR 23185; E.O. 11930, 41 FR 32399; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11912, 41 FR 15825; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend Part 209 of Chapter II, Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 10, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

V. PROPOSED AMENDMENTS

1. Section 209.24 is amended in paragraphs (b) and (c) to read as follows:

§ 209.24 Maintenance of records.

(b)(1) Except as provided in subparagraphs (2) through (4) of this paragraph, participants shall keep a full and complete record of any communications (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilm, and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the proper official of DOE, no participant need record such a communication or send a further copy to the Department of Energy. Where such communication demonstrates that it was sent to the proper official of the Department of Energy, it shall satisfy paragraph (c) of this section for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place or time of a meeting, establishment or adjustment of a meeting agenda, travel arrangements, or similar matters), only a brief notation of the date, time, persons involved and description of the communication need be recorded.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to

paragraphs (a) and (b) of this section shall be deposited within fifteen (15) days after the close of the month of their preparation together with any agreement resulting therefrom, with the Department of Energy, and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing material pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to the disclosure to the public pursuant to Subpart D and the reasons for such belief.

2. Section 209.34 is amended in paragraphs (b) and (c) and by adding a new paragraph (e) to read as follows:

§ 209.34 Maintenance of records.

(b)(1) Except as provided in subparagraph (2) through (4) of this paragraph, participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves or with any other member of a petroleum industry group created by the International Energy Agency, or subgroup thereof, for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action under this subpart, except that where there are several communications within the same day involving the same participants, they may keep a cumulative record for the day. The parties to a communication may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilm, and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the proper official of DOE, no participant need record such a communication or send a further copy to the Department of Energy. Where such communication demonstrates that it was sent to the proper official of the Department of Energy, it shall satisfy paragraph (c) of this section for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place or time of a meeting, establishment or adjustment of a meeting agenda, travel arrangements, or similar matters) only a brief notation of the date, time, persons involved and description of the communication need be recorded; except that during an IEA emergency allocation exercise or an allocation systems test such a non-substantive communication between members of the Industry Supply Advisory Group (ISAG) which occur within IEA headquarters need not be recorded at all.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited within seven (7) days after the close of the week (ending Saturday) of their preparation during an international energy supply emergency or a test of the IEA emergency allocation system, and within fifteen (15) days after the close of the month of their preparation during periods of non-emergency, together with any agreement resulting therefrom, with the Department of Energy and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing materials pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to Subpart D and the reasons for such belief.

(e) During international oil allocation under Chapters III and IV of the IEP or during an IEA allocation systems test, the Department of Energy may issue such additional guidelines amplifying the requirements of these regulations as DOE determines to be necessary and appropriate.

[FR Doc. 78-4172 Filed 2-14-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[10 CFR Parts 211 and 212]

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS

Proposed Rulemaking; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: In order to meet U.S. international energy program commitments and provide for the distribution of strategic petroleum reserve (SPR) crude oil, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is proposing two special rules: (1) An emergency standby crude oil allocation program; and (2) special pricing provisions governing mandatory sales. The ERA proposed to distribute available crude oil supplies equitably to refiners during a supply interruption by means of a buy/sell list calculated so that each refiner operates at the same monthly rate relative to a recent 12-month base period. The U.S. Government will be a seller of crude oil under the program when and if SPR crude oil is made available for distribution. The price for all buy/sell transactions except those involving SPR crude oil will be set by ERA monthly with differentials for quality. These proposed regulations would supersede certain existing regulations when activated.

DATES: Comments by March 21, 1978, 4:30 p.m.; requests to speak by March 6, 1978, 9:30 a.m.

HEARING DATES

Washington hearing: March 28 and 29, 1978, 9:30 a.m.; Dallas hearing: March 21, 1978, 9:30 a.m.; San Francisco hearing: March 23, 1978, 9:30 a.m.; Chicago hearing: March 20, 1978, 9:30 a.m.

ADDRESSES: All comments to: Public Hearing Management, Room 2313, Department of Energy, Box RU, 2000 M St. NW., Washington, D.C. 20461.

REQUESTS TO SPEAK

Washington hearing: Attn.: Public Hearing Management, Room 2313, Department of Energy, Box RU, 2000 M St. NW., Washington, D.C. 20461; Dallas hearing: Department of Energy, Attn.: Arlene Millard, 2626 West Mockingbird Lane, Dallas, Tex. 75235; San Francisco hearing: Department of Energy, Attn.: R. Laffel, 111 Pine Street, San Francisco, Calif. 94111; Chicago hearing: Department of Energy, Attn.: Charles Swank, 175 West Jackson Boulevard, Chicago, Ill. 60604.

HEARING LOCATIONS

Washington hearing: Room 2105, 2000 M St. NW., Washington, D.C. 20461; Dallas hearing: Department of Energy, Training Room 250, 2626 West Mockingbird Lane, Dallas, Tex. 75235; San Francisco hearing: U.S. Post Office and Courthouse, Courtroom 14, 7th and Mission Street, San Francisco, Calif. Chicago hearing: Everett McKinley Dirksen Building, Room 204A, 219 South Dearborn Street, Chicago, Ill. 60604.

FOR FURTHER INFORMATION:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Robert G. Bidwell, Jr. (Office of Fuels Regulations), 2000 M Street NW., Room 6128, Washington, D.C. 20461, 202-254-9707.

Gerald Emmer (Office of Regulations & Emergency Planning), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Sabina Cooper or William Mayo Lee (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-2454 (Cooper), 202-566-9567 (Lee).

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposed programs.
 - A. Emergency mandatory crude oil allocation program.
 - B. Refinery yield control program.
 - C. Supplier/purchaser rule and entitlements program.
 - D. Emergency mandatory allocated crude oil pricing program.
- III. Comment procedures.
 - A. Written comments.
 - B. Public hearings.

I. BACKGROUND

The first crude oil allocation program was promulgated in January 1974 in order to alleviate supply shortages of crude oil, residual fuel oil and refined petroleum products. The Federal Energy Office (FEO) undertook to carry out the express mandate of Congress in section 4(a) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 (EPAA), that the President impose temporary mandatory allocations of available supplies of crude oil, residual fuel oil, and refined petroleum products in amounts and at prices to be specified by regulations. The goal of the allocation program was to provide for overall equitable distribution of available crude oil and refined product supplies in order to mitigate the adverse economic consequences of the shortages.

There were two major elements to FEO's original crude oil allocation pro-

gram. The first was the so-called supplier/purchaser rule which froze in place all supplier/purchaser relationships for domestic crude oil that existed on December 1, 1973. The second element of the program, which is more relevant for present purposes, was the crude oil buy/sell program. The initial crude oil buy/sell program mandated certain sales of crude oil from one refiner to another in order that each refiner would have access to available supplies of crude oil at the national average supply-to-capacity ratio for all refiners. The national average supply-to-capacity ratio was calculated by the FEO based on refinery capacity and estimated crude oil supplies. Crude oil supplies were estimated based on the refiner's current stocks and expected deliveries of crude oil over a 3-month allocation period. Refiners with a supply-to-capacity ratio greater than the national average were required to sell their crude oil supplies that were in excess of the national average supply-to-capacity ratio. Refiners with less than the national average supply-to-capacity ratios were entitled to purchase sufficient crude oil from those refiners with such excess supplies so as to increase their supply levels to the national average supply-to-capacity ratio.

The maximum price of crude oil sold pursuant to these rules was calculated by taking the weighted average price of all crude oil delivered to a seller in either Petroleum Administration for Defense (PAD) Districts I-IV or in PAD District V, depending on where the sale was made, and adding to that amount a 6-percent handling fee plus certain adjustments for transportation costs and gravity differentials. In addition, refiner-sellers were permitted an 84-cent-per-barrel passthrough (for each barrel of crude oil sold pursuant to the program) on products refined by the refiner-seller to allow the refiner-seller to recoup an approximation of the profit that would have been made by refining each barrel of crude oil required to be sold under the allocation program.

The regulations provided for publication by the FEO of a "buy-sell list" showing required sales volumes and purchase opportunities for each refiner. This buy-sell list was the basis for allocation sales for the first quarter. At the beginning of each subsequent quarter, the FEO was required to publish a new buy-sell list that incorporated new projections made for refinery capacity and supply availability in that quarter. In addition, any differences between the estimated available supply of crude oil for a refiner in the first quarter and that refiner's actual deliveries of crude oil (as shown in monthly and quarterly reports to the FEO) would result in an adjustment to the refiner's allocation or sales obliga-

tion in a succeeding quarter. The first crude oil allocation program was therefore self-correcting for unexpected shortfalls or excess supplies of crude oil realized in a particular quarter and also for any calculation errors in the information used to compute the buy-sell list for an allocation quarter.

In May 1974, after the embargo was lifted, the FEO substantially revised the mandatory crude oil allocation program. In the changed supply situation, the revision was designed to remove the disincentives for increased production and importation of crude oil which existed under the original program, as well as to eliminate specific features of the original program involving allocations between major oil companies and certain product dislocations.

The revised program eliminated allocations to major oil companies by limiting the receipt of allocated oil to small and independent refiners. Each small and independent refiner was designated a refiner-buyer and was eligible to purchase during each allocation quarter a fixed amount of crude oil equal to one quarter of its crude oil runs to stills in the year 1972 less the volume of crude oil runs to stills for the period February through April 1974, with certain adjustments. Provision was also made for allocation of crude oil with respect to new or expanded refinery capacity. The 15 major refiners were designated as the only refiner-sellers and were required to offer crude oil for sale to refiner-buyers. Sales obligations were distributed proportionally according to each refiner-seller's percentage share of the total refining capacity of all refiner-sellers as of January 1, 1973. Refiner-sellers could replace any crude oil which was sold under the program without having such replacement crude oil subject to allocation. The pricing provisions were not changed significantly, although the six-percent handling fee was changed to a 30-cent per barrel fee.

As more normal supply conditions returned to the petroleum industry, the mandatory crude oil allocation program was reevaluated and further modified. The Federal Energy Administration (FEA) amended the crude oil buy/sell program in August 1975 to ensure that sellers would be treated equally when use of the program either declined in periods of adequate supply or increased during a future supply shortage. These amendments were also intended to accommodate the reduced use of the program that followed upon the provision of crude oil cost equalization benefits under the entitlements program (§ 211.67), which was implemented in November 1974. However, the buy/sell program did continue to serve a significant, al-

though reduced, supply function for small and independent refiners.

In April 1976, FEA amended the pricing of buy/sell program sales in an attempt to eliminate price advantages to purchasing under the program. Since refiner-sellers were previously required to charge a price based upon the weighted average cost of crude oil inventory of that refiner, purchases under the program were often cheaper to purchasers than purchases of the alternate imported crude oils. Sales prices were determined by calculating the refiner-seller's weighted average cost of its crude oil deliveries of imported crude oil (other than from Canada), with no pricing distinctions based on PAD Districts and with a uniform gravity adjustment. A five-cent per barrel handling fee was substituted for the thirty-cent per barrel handling fee.

Effective October 1, 1977, FEA revised the buy/sell program significantly to limit purchases under the program to those refiner-buyers which had a demonstrated need for allocations of crude oil based on lack of access to adequate supplies of domestic and foreign crude oil. Small refiners that were initially determined to have access to sufficient supplies of crude oil, and that were therefore ineligible to participate in the program, were permitted to reenter the program in the event that they experienced a significant reduction in domestic crude oil supplies. The pricing provisions for sales of allocated crude oil also were modified to take into account crude oil quality differentials and thus reflect more accurately the actual market value of crude oil sold under the program. These modifications permit refiner-sellers to determine their costs for imported high sulfur and low sulfur crude oil separately, thus ensuring that imported sweet and sour crude oil is sold under the program at prices approximating the fair market values for such crude oils. The pricing provision pertaining to transportation expenses recoverable by refiner-sellers was modified to assure that only actual transportation costs will be charged or incurred in transactions involving allocated crude oil.

The FEA believed that the administrative complexities of the program were unduly burdensome on participants, particularly refiner-sellers, in relationship to the limited usefulness of the program in a period of plentiful crude oil supplies. By late 1975, refiner-buyers were exercising only approximately 30 percent of their purchase opportunities under the program and, in many cases, appeared to be purchasing under the program only to obtain a price advantage.

II. PROPOSED PROGRAMS

The present crude oil buy/sell program simply addresses certain small

refiners' current needs for additional crude oil supply in the context of world-wide plentiful supply. The current program presumes that supplies generally are adequate. For this reason, it is necessary to have a revised program available on a standby basis in the event of another major supply interruption. We are proposing this emergency standby program in two separate special rules: The first (Special Rule No. 10 for Subpart C of Part 211) provides for the changes to the buy/sell program itself; and, the second (Special Rule No. 2 for Subpart F of Part 212) provides for the pricing of allocated crude oil, other than Strategic Petroleum Reserve crude oil. We are also issuing, contemporaneously with this Notice, a Notice of Proposed Rulemaking to implement Section 251 of the Energy Policy and Conservation Act of 1975 (EPCA) (Pub. L. 94-163). That Section provides authority to establish a regulatory program whereby the United States can carry out its supply obligations or purchase rights under the mandatory phase of the Agreement on an International Energy Program (IEP) (TIAS 8278), to which the United States is a party.

We intend to propose in the near future emergency standby product allocation regulations that would become effective in the event of a major crude oil supply interruption.

A. EMERGENCY MANDATORY CRUDE OIL ALLOCATION PROGRAM

The mandatory crude oil allocation regulations and the related pricing provisions proposed today would become effective only in the event of a significant crude oil supply interruption, i.e., when the emergency allocation provisions of the Agreement on an International Energy Program are activated (unless the Secretary of Energy undertakes action to nullify the automatic trigger), or when otherwise ordered by the Administrator of the ERA. They provide for the mandatory allocation of crude oil produced in or imported into the fifty states, the Virgin Islands, Guam, the Hawaiian Free Trade Zone, and Puerto Rico under the authority of the Emergency Petroleum Allocation Act of 1973, as amended. To implement the policy decisions of the U.S. Government as to the sale price and drawdown rate of Strategic Petroleum Reserve crude oil, these proposed regulations also provide for the distribution of the quantity, if any, of Strategic Petroleum Reserve crude oil made available. To the extent provision is made for distribution of Strategic Petroleum Reserve crude oil, this proposal is issued pursuant to the authority contained in Section 161(e) of the Energy Policy and Conservation Act.

The emergency mandatory allocation of crude oil under this proposal

is similar but not identical to that adopted by the FEO for the 1973-1974 oil embargo, and is based on the calculation of a national utilization rate for refiners on a monthly basis. This rate would be obtained by dividing the national estimated available crude oil supply by the base period average monthly crude oil runs to stills of all U.S. refiners (rather than by their capacity, as under the original program). Refiners' crude oil runs to stills would be calculated with reference to a base period (the twelve consecutive calendar month period ending with the second month immediately preceding the month in which these special rules become operative unless otherwise determined by the Administrator). The allocation period would be a calendar month.

Under this proposal, there would be no differing treatment or classification for small, independent, or major integrated refiners. The rationale for this particular aspect of the proposal is that in a supply shortage the way to allocate crude oil insofar as refiners and their marketing areas and customers are concerned could well be to permit all refiners to purchase or require them to sell on the same basis. Our initial conclusion in this regard is that this proposed method of allocation will also minimize market distortions in a shortage. We invite comments on the appropriateness of this feature of the proposal, and solicit specific suggestions on whether and in what manner various types of refiners (i.e., major integrated, independent, or small) should receive differing treatment in their allocations under the program.

In each allocation period, refiner-buyers would be entitled to purchase sufficient crude oil to permit operation of their refineries at the national utilization rate, and refiner-sellers would be required to sell any crude oil supplies that would permit refiner operation in excess of the national utilization rate.

The national estimated available supply of crude oil would be calculated by the ERA by taking the total estimated available supply of crude oil (including any Strategic Petroleum Reserve crude oil made available) for all domestic refiners and subtracting the quantity of crude oil that: (1) is subject to directed sales pursuant to § 211.71, or (2) the ERA plans to direct to product importers, if any, in the manner explained below. The estimated available supply of crude oil for a particular refiner would include that quantity of crude oil to which a refiner had access and intended to run during the allocation period.

We request that comments specifically address whether the quantity of crude oil a refiner intended to retain in inventory during the allocation

period should be included in the refiner's estimated available supply: *Provided*, That in its normal business operations the refiner would not have refined that crude oil in the allocation period. Comments are invited as to whether specific pre-supply interruption inventory levels (that are in excess of normal working inventory levels) should be "grandfathered," i.e., rendered exempt from the operation of the allocation program, to provide incentives for increased storage by refiners to be available in the event of a supply interruption and, if so, how such inventory could be identified and exempted. Additionally, the DOE is interested in any proposal directed toward providing incentives to increase storage levels of crude oil in anticipation of an interruption.

The national average monthly crude oil runs to stills for any allocation period would be the total of all crude oil runs to stills by all U.S. refiners in the base period divided by the number of days in the year (365 or 366) and multiplied by the number of days in the allocation period. In other words, the average daily crude runs to stills for all U.S. refiners during the base period would be multiplied by the number of days in the month to determine base period average monthly crude oil runs to stills.

The maximum quantity of crude oil the ERA would permit a refiner to purchase or require a refiner to sell during the allocation period would be determined by multiplying the refiner's average base period monthly crude oil runs to stills by the national utilization rate (national estimated available supply divided by national base period average monthly crude oil runs to stills). By subtracting the refiner's estimated available supply from the refiner's allowed crude oil runs to stills, the ERA would determine the refiner's buy/sell obligation.

If a refiner had a greater estimated available supply than the above calculation permitted the refiner to refine, the refiner would be required to offer such excess supply for sale. Conversely, if the refiner's estimated available supply was less than the refiner was permitted to refine under the above calculations, the refiner would be eligible to buy such amount of crude oil.

The following examples illustrate the use of the proposed allocation formula. The terms of the formula are defined as follows:

- X=quantity of crude oil a refiner-buyer is entitled to purchase (if x is a positive number) or required to sell (if x is a negative number) during the allocation period
- A=refiner's estimated available crude oil supply during the allocation period
- B=refiner's average base period monthly crude oil runs to stills
- C=national estimated available crude oil supply for all U.S. refiners for the allocation period

D = national average base period monthly crude oil runs to stills by all U.S. refiners

A mathematical expression of the formula is:

$$\left(\frac{C \times B}{D}\right) - A = \times$$

If a refiner's total estimated available crude oil supply for the allocation period (e.g., A=200 barrels) as compared to its average base period monthly runs to stills (e.g., B=800 barrels) multiplied by the national utilization ratio (e.g., C/D=1/2 as calculated by dividing the national estimated available crude oil supply, e.g., C=6,000 barrels, by the national base period average monthly crude oil runs to stills, e.g., D=12,000 barrels), results in a positive number, then that refiner would be entitled to purchase crude oil from another refiner with a supply in excess of its permitted runs to stills. $((1/2)(800)) - (200) = +200$. If a refiner's total for an allocation period (e.g., A=600 barrels) as compared to its average based period monthly crude oil runs to stills (e.g., B=800 barrels) multiplied by the national utilization ratio of 1/2, results in a negative number, then that refiner would be required to offer for sale that part of its supply that was in excess of its permitted runs to stills: $((1/2)(800)) - (600) = -200$. A refiner-buyer would be permitted to process crude oil purchased pursuant to this special rule at any of its refineries regardless of the historical crude oil runs to stills of the refiner's particular refinery. A refiner-buyer would be required to process the crude oil, have the crude oil processed, or exchange the crude oil and have it processed within 45 days from the date of execution of the purchase/sale agreement.

The first allocation period would commence 15 days subsequent to the day this special rule becomes effective. It will be composed of the number of days remaining in the month when the allocation period begins plus the following calendar month.

Adjustments to a refiner's base period crude oil runs to stills could be made for non-recurring or unusual operating reasons or to reflect refining capacity in operation for less than the base period time period. However, any adjustment to the base period crude oil runs to stills for purposes of the program would have to be approved by the ERA. As to refineries in operation for less than one full calendar month on the date this special rule comes into force or that commenced operations after such date, application for an exception pursuant to 10 CFR Part 205 would be required to establish base period crude oil runs to stills.

This proposal as currently written makes no provision for including in the calculation of a refiner's runs to stills the amount of crude oil pro-

cessed in the refinery of another firm pursuant to a processing or exchange agreement. It does, however, include all crude oil runs to stills of refineries owned, operated, or controlled by the refiner that were in operation at least one full calendar month prior to the activation of this proposed special rule, including the month prior to the month in which the rule becomes effective. We specifically invite comments on how leased refining capacity and exchange or processing agreements should be treated with respect to the calculations of crude oil runs to stills and estimates of available supply.

To integrate the emergency standby crude oil allocation program with the operation of the IEP, the Administrator would adjust a refiner's purchase opportunity or sale obligation under the program to reflect purchases or sales made by the refiner pursuant to the IEP in previous allocation periods. In the event of a significant IEP sale for the refiner concerned, the Administrator could issue a supplemental notice for the current allocation period to ensure that the refiner's operations would not be severely impacted by reason of the sale. These adjustment provisions would operate only where the refiner had not already adjusted its estimated available crude oil supply for the allocation period to reflect IEP voluntary sales to be made in that allocation period. The effect of these adjustments would be to compensate refiners for IEP sales by either increasing their purchase opportunity or decreasing their sale obligation by the volumes of crude oil sold under the IEP, and to reflect IEP purchases in an appropriate manner.

The proposed rule also provides authority for the Administrator of ERA to allocate crude oil to a firm that is not a U.S. refiner but has historically been engaged in the business of importing a petroleum product, provided that a critical shortage of such petroleum product was determined to exist and that the shortage would be alleviated by such action. As proposed, the rule would require the importer to have the crude oil refined in a U.S. refinery, except that, if unsuccessful in negotiating a processing agreement with a U.S. refiner, the importer could have the oil processed in a non-U.S. refinery, as long as the product that is refined from the crude oil is imported into the area of critical shortage on a barrel-for-barrel basis. We expressly invite comments as to whether crude oil should be allocated to a product importer for processing by that importer to help alleviate a critical product shortage in the region served by that importer, the conditions under which such allocation should occur, the amount of crude oil required to produce a given volume of product, a

formula for determining the quantity of crude oil which should be allocated to product importers, and as to appropriate rules to govern the processing of this crude oil, with specific reference to the time frame for the processing and as to the location (whether non-U.S. or U.S.) of the refineries that are to process the crude oil.

The Administrator would also have the authority (1) to order a refiner to sell crude oil out of its inventory to another refiner, and (2) to include the quantity, if any, of crude oil made available from the Strategic Petroleum Reserve in the national estimated supply of crude oil.

Although no such provision is contained in the proposed regulation, we also invite comments as to the desirability of providing an incentive to encourage refiner-sellers to continue to import crude oil since the proposed program is structured so that imports in excess of estimated available supplies could be required to be offered for sale to refiner-buyers. If such an incentive is thought to be desirable, commentators should provide suggestions as to the form such an incentive might take.

In addition, we invite comments as to whether the definition of "crude oil" set forth in §211.51 is appropriate for purposes of calculating base period crude oil runs to stills and estimated available supply in the emergency allocation program. Current regulations include Canadian plant condensate as part of crude oil runs to stills for the purpose of the entitlements program (10 CFR 211.67(d)(3)) but exclude it for the purpose of the buy/sell program. We specifically invite comments as to whether Canadian plant condensate should be incorporated into the definition of crude oil for the purpose of these emergency regulations.

The buy/sell notice for the emergency allocation program would be published at least 10 days prior to the beginning of the allocation period. Refiner-buyers and refiner-sellers would have 10 days from that publication date in which to negotiate purchases and sales, and all crude oil subject to a contract negotiated pursuant to the special rule would be required to be refined within 45 days after execution of the contract.

The conditions of sale for other than crude oil from the Strategic Petroleum Reserve, and the procedures to be invoked in the event of a failure to negotiate a transaction, would remain substantially similar to those specified in 10 CFR 211.65 for the allocation program currently in effect. However, under the special rule: (1) Refiner-sellers would be required to deliver crude oil to any refinery specified by a buyer. *Provided*, That the buyer retains title to the products refined from the purchased crude oil; (2) refiner-

buyers that are unable to consummate transactions would have to request ERA assignment of a refiner-seller within ten days of publication of the buy/sell notice; and (3) in order for a product importer to process allocated crude oil at a foreign refinery, it would be required to submit an application to that effect within 10 days of publication of the buy/sell notice. Contracting procedures for, and terms and conditions of the sale of, crude oil from the Strategic Petroleum Reserve are not covered by the proposed regulations except to the extent specifically indicated, and will require separate treatment to be announced by DOE at a later time.

Monthly reports of estimated supply for the next allocation period and actual data for the preceding allocation period would be filed by all refiners with the ERA no later than the tenth day of the current allocation month. Transactions under the program would be required to be reported by telephone within 24 hours of the completion of the arrangements for the sale and then confirmed in writing.

B. REFINERY YIELD CONTROL PROGRAM

The refinery yield control program would remain substantially as currently in effect, the ERA having the authority to adjust the percentage yield of a particular product or residual fuel oil that is in short supply. Orders under the refinery yield program would be keyed to a particular refined product or products for a specific refinery, or could be on a regional or national basis. We request comments on whether the refinery yield program should be further amended for purposes of the emergency standby crude oil allocation program.

C. SUPPLIER/PURCHASER RULE AND ENTITLEMENTS PROGRAM

No change has been proposed for either the crude oil supplier/purchaser rule (10 CFR 211.63) or the entitlements program (10 CFR 211.67). However, we request comments on whether these programs should be changed in any respects, to permit a proper interface with the proposed emergency mandatory buy/sell program.

EMERGENCY STANDBY MANDATORY ALLOCATED CRUDE OIL PRICING PROGRAM

The pricing provisions proposed in Special Rule No. 2, Subpart F, Part 212, permit the Administrator to establish on a monthly basis the prices, along with appropriate gravity and sulfur differentials, for high and low sulfur crude oil sold under the emergency standby mandatory crude oil allocation program. The Administrator would consider the weighted average per barrel landed costs of high and low

sulfure crude oil in the preceding month, prices between affiliated entities, and other relevant data. As in the current rule, adjustments would be made to reflect transportation costs, which would be paid by the refiner-buyer. Additionally, the ERA specifically requests comments on the appropriate amount for a handling fee for refiner-sellers.

III. COMMENT PROCEDURES

A. WRITTEN COMMENTS

You are invited to participate in this notice of proposed rulemaking by submitting data, views or arguments with respect to the issues set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Crude Oil Allocation-Standby Regulations", Box RU. Fifteen copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. PUBLIC HEARINGS

1. *Request Procedure.* The times and places for the hearings are indicated in the "DATES" section of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should be prepared to describe the interest concerned, if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified by the ERA before 4:30 p.m., one week prior to the hearing, and you must bring 100 copies of your statement to the location of the hearing on the day testimony is presented.

2. *Conduct of the Hearings.* We reserve the right to select the persons to be heard at these hearings (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited,

based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearings. Such questions must be submitted to the same address indicated above for requests to speak, three days prior to the hearing at the location concerned. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of a particular hearing from the reporter.

In the event that it becomes necessary to cancel a hearing, we will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, we will notify all persons scheduled to testify at the hearings. However, it is generally not possible for us to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact ERA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

NOTE.—The ERA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), this proposed rule has been referred, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., on February 10, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

APPENDIX

TITLE 10, CHAPTER II, PART 211, SUBPART C SPECIAL RULE NO. 10

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS

1. *Scope.* This Special Rule No. 10, to Subpart C, Part 211, sets forth the DOE Emergency Standby Mandatory Crude Oil Buy/Sell and Refinery Yield Control Programs. This special rule provides for the allocation of such Strategic Petroleum Reserve crude oil as will be made available to this program to be sold by the United States Government, but does not provide for determination of the amounts of such oil to be sold and, except as expressly indicated, does not govern the contracting procedures, terms or conditions for the sale of such crude oil.

2. *Applicability.* (a) This special rule is effective beginning on the day:

(i) When the emergency allocation provisions of the Agreement on an International Energy Program (IEP) take effect, unless the Secretary of Energy determines that such automatic triggering of this rule shall not occur; or

(ii) When ordered by the Administrator.

(b) During the time period this special rule is in effect, the definitions of crude oil runs to stills, refiner, refiner-buyer, refiner-seller, and refining capacity in §211.62, all of §211.65, and all of §211.71, Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) are superseded.

(c) This special rule expires when ordered by the Administrator. Upon expiration of this special rule, §§211.62, 211.65, 211.66, and 211.71, as set forth in Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) are in effect.

3. For purposes of this special rule, certain definitions are amended and several new definitions are added to §211.62 as follows: "Additional crude oil supply" means the total quantity of crude oil to which a refiner has access during an allocation period, in-

cluding but not limited to crude oil in associated storage, nonassociated storage, and in transit, less the refiner's estimated available crude oil supply for the allocation period.

"Administrator" means the Administrator of the Economic Regulatory Administration, Department of Energy.

"Allocation period" means a calendar month, except as otherwise specified in this rule.

"Base period" means the twelve (12) consecutive calendar months ending with the second month prior to the month in which this special rule becomes effective unless otherwise specified by the Administrator.

"Base period average monthly crude oil runs to stills" means a refiner's total crude oil runs to stills of all its refineries during the base period as reported on the Bureau of Mines Form P-320, divided by the number of days in the base period and multiplied by the number of days in the allocation period.

"Buyer" means any firm which is eligible to purchase crude oil pursuant to the provisions of this special rule.

"Crude oil runs to stills" means, in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units processed by a refiner and measured in accordance with Bureau of Mines Form P-320 and, in the case of a petrochemical producer, the total number of barrels of crude oil input to processing units for conversion into petrochemicals.

"DOE" means the Department of Energy, established by Public Law 95-91 (August 14, 1977).

"ERA" means the Economic Regulatory Administration, Department of Energy.

"Estimated available crude oil supply" means the quantity of crude oil a refiner has available and intends to run to stills for all of its refineries in the normal course of business during the allocation period.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The ERA may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"IEA" means the International Energy Agency established to implement the IEP.

"IEP" means the International Energy Program established pursuant to the Agreement on an International Energy Program signed at Paris on November 18, 1974, including (a) the Annex entitled "Emergency Reserves", (b) any amendment to such Agreement that includes another nation as a Party to such Agreement, and (c) any technical or clerical amendment to such Agreement.

"National base period average monthly crude oil runs to stills" means the total base period average monthly crude oil runs to stills of all U.S. refiners.

"National estimated available crude oil supply" means, for any allocation period, the total quantity of estimated crude oil supply for all U.S. refiners plus the quantity, if any, of Strategic Petroleum Reserve

crude oil made available minus the quantity of crude oil the Administrator intends to direct to product importers pursuant to this special rule, and minus the quantity of crude oil directed to all refiners pursuant to §211.71 of this special rule.

"National utilization rate" means national estimated available crude oil supply for any allocation period divided by national base period average monthly crude oil runs to stills.

"New refining capacity" means, for each refiner, the capacity of its refineries operated continuously in the normal course of such refiner's business for at least one full calendar month, which must include the month preceding the month of the effective date of this special rule, but for less than 12 months of the base period as certified by the DOE.

"Petrochemical plants" means those industrial plants, regardless of capacity, that process petrochemical feedstocks and obtain at least thirty (30) percent conversion, by weight, to petrochemicals or other products that are converted to petrochemicals, as long as the weight of hydrocarbon contained in the final petrochemical is equal to at least thirty (30) percent of the initial petrochemical feedstock fed to the plant under consideration.

"Product importer" means any importer of record which imported a refined petroleum product or residual fuel oil during the base period, but shall not include a refiner.

"Refiner" means a firm which owns, operates or controls the operations of one or more refineries within the United States.

"Refiner-buyer" means any refiner whose estimated available crude oil supply during the allocation period is less than the national utilization rate multiplied by that refiner's base period average monthly crude oil runs to stills.

"Refiner-seller" means (1) any refiner whose estimated available crude oil supply during the allocation period is greater than the national utilization rate multiplied by that refiner's base period average monthly crude oil runs to stills, or (2) the United States Government when selling SPR crude oil.

"Refinery" means an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant operated continuously in the normal course of business during the base period.

"Seller" means any firm which is required to offer crude oil for sale pursuant to the provisions of this special rule.

"SPR crude oil" means crude oil that is made available from the Strategic Petroleum Reserve pursuant to Section 161 of the EPCA, and which is included in the calculations of the buy-sell list.

"United States" means the several states, the District of Columbia, Puerto Rico, and the territories and possessions of the United States other than the Panama Canal Zone.

4. *Method of Allocation.* For purposes of this special rule, §211.65 shall read as follows:

§211.65 *Emergency mandatory crude oil allocation program.*

(a) *General rule.* (1) In each allocation period a refiner-buyer shall be entitled to purchase and a refiner-seller shall be required to offer for sale an amount of crude oil equal to the difference between:

(i) The national utilization rate multiplied by the refiner's base period average monthly crude oil runs to stills and

(ii) The refiner's estimated available crude oil supply during the allocation period.

(2) *Definitions.*

X=quantity of crude oil a refiner-buyer is entitled to purchase (if X is a positive number) or required to offer for sale (if X is a negative number) during the allocation period

A=refiner's estimated available crude oil supply during the allocation period

B=refiner's base period average monthly crude oil runs to stills

C=national estimated available crude oil supply for all U.S. refiners for the allocation period

D=national base period average monthly crude oil runs to stills by all U.S. refiners

(3) *Formula.*

$$(C/D \times B) - A = X$$

(4) *Calculation procedure.* For each allocation period, the amount of crude oil a refiner is eligible to buy or required to offer for sale shall be calculated as follows:

(i) Each U.S. refiner shall submit its estimate of available crude oil supply to the ERA for the allocation period.

(ii) For each allocation period, the ERA shall compute the national estimated available crude oil supply based on the total estimated crude oil supply for all U.S. refiners for that allocation period. This estimate shall include any quantity of SPR crude oil made available and shall not include any quantity of crude oil the Administrator intends to direct to product importers pursuant to this special rule or to direct to refiners pursuant to § 211.71 of this special rule.

(iii) The ERA shall, on a one-time basis, compute the average daily crude oil runs to stills during the base period for each domestic refiner by dividing the total volume of that refiner's crude oil runs to stills in the base period by the number of days in the base period (365 or 366).

(iv) The ERA shall multiply this daily average volume of crude oil runs to stills for each refiner by the number of days in the allocation period, to determine the refiner's base period average monthly crude oil runs to stills for the allocation period.

(v) The ERA shall compute a national base period average monthly crude oil runs to stills by aggregating the base period average monthly crude oil runs to stills of all U.S. refiners for the allocation period.

(vi) The ERA shall divide the national estimated available supply of crude oil (clause (ii)) for the allocation period by the national base period average monthly crude oil runs to stills (clause (v)) to determine the national utilization rate for the allocation period.

(vii) The ERA shall multiply the national utilization rate by the refiner's base period average monthly crude oil runs to stills for the allocation period (clause (iv)) to determine the refiner's allowable crude oil runs to stills during the allocation period.

(viii) The ERA shall subtract the refiner's estimated available crude oil supply (clause (i)) from the refiner's allowable crude oil runs to stills during the allocation period (clause (vii)) to determine the refiner's purchase or sale obligation.

(ix) If the result of the calculation in clause (viii) is positive, the refiner is entitled to purchase that quantity of crude oil.

(x) If the result of the calculation in clause (viii) is negative, the refiner is required to offer that quantity of crude oil for sale.

(5) *First allocation period.* The first allocation period shall commence on the 15th day following the day when this special rule becomes effective and shall be composed of the remaining days in the month the allocation period commences plus the following calendar month.

(b) *Refiner-buyers.* Each refiner-buyer shall:

(1) Be entitled to purchase, either directly or through exchange, from a refiner-seller, a quantity of crude oil equal to the amount computed pursuant to paragraph (a) of this section, and

(2) Be required to refine or have processed any crude oil purchased or exchanged for crude oil purchased pursuant to this special rule within 45 days following the date of execution of the sale/purchase agreement.

(c) *Refiner-sellers.* Each refiner-seller shall be required to offer for sale, directly or through exchange, to refiner-buyers a quantity of crude oil equal to the amount computed pursuant to paragraph (a) of this section.

(d) *Adjustments to purchase and sale amounts.* The ERA shall recalculate the buy/sell list for each allocation period based on actual crude oil runs to stills and then make adjustments in a subsequent allocation period, except that positive adjustments to a refiner-buyer's allocations or negative adjustments to refiner-seller's sales obligations in subsequent allocation periods will not be made if that refiner-buyer failed to purchase its total allocations during the allocation period in which the sales were made. Such recalculation shall be for the purpose of correcting errors in estimates, and to

(1) Increase a refiner-seller's sales obligation in any allocation period to reflect crude oil offered for sale by that refiner-seller but not purchased by a refiner-buyer in a prior allocation period;

(2) Decrease a refiner-seller's sales obligation in any allocation period to deduct crude oil sales in excess of the amount required to be offered for sale in a prior allocation period pursuant to paragraphs (f) and (i)(3) of this section; or

(3) Either decrease a refiner's sales obligation or increase its purchase opportunities in any allocation period as the case may be, to account for sales made by that refiner under the IEP in the current or one or more previous allocation periods, where the IEP sales were not shown as an adjustment to that refiner's estimated available crude oil supply for the allocation period in question and shall also make appropriate adjustments to reflect any purchases under the IEP by a refiner.

(e) *New refining capacity.* The ERA may adjust a refiner's base period average monthly crude oil runs to stills to reflect new refining capacity.

(f) *Adjustments to base-period crude oil runs to stills and Administrator's authority to direct certain transactions.* (1) Prior to the first day of the second allocation period, a refiner may request the Administrator to adjust its base period crude oil runs to stills for unusual and non-recurring operating conditions during the base period at one or more of its refineries. If the Administrator does not approve, in whole or in part, or disapprove the request within fifteen (15) business days of receipt of the request, it shall be deemed denied.

(2) Notwithstanding the provisions of this special rule, the Administrator may:

(i) Order a refiner to offer to sell crude oil to a product importer, provided the Administrator determines that a critical shortage of a refined petroleum product or residual fuel oil exists or may exist in the immediate future in a specific geographic area; And provided further, That the product importer arranges (A) to have the crude oil refined into an equivalent volume of such refined petroleum product or residual fuel oil and sell such product or residual fuel oil in the geographic area of critical shortage, or (B) to exchange the crude oil therefor;

(ii) Order a refiner to offer to sell crude oil to reduce its inventory thereof; and

(iii) Order a refiner purchasing crude oil under this special rule to place that crude oil in its inventory.

(g) *Buy/sell notice and negotiation of transactions.* (1) A buy/sell notice shall be published at least 10 days prior to the beginning of the allocation period except for the first allocation period. Each buy/sell notice shall list the quantity of crude oil each refiner-buyer is eligible to purchase and the quantity of crude oil that each refiner-seller will be obligated to offer for sale to refiner-buyers. Upon publication of the notice, refiner-buyers and refiner-sellers shall negotiate purchases and sales of crude oil allocated pursuant to the notice. All sales, except directed sales pursuant to paragraph (i) of this section, must be contracted for within ten (10) days after the publication of the buy/sell notice, and all deliveries must be completed within thirty (30) days following the date of execution of the sale/purchase agreement.

(2) The ERA may issue a supplemental notice for an allocation period to reflect adjustments under paragraph (d)(3) of this section for voluntary or mandatory sales under the IEP for that allocation period, where the operations of the refiner making the sale could be adversely affected by reason of the sale.

(h) *Terms and conditions of sales.* (1) The terms and conditions of each sale, processing agreement, or exchange of crude oil, other than sales prices, shall be consistent with normal business practices.

(2) Sellers shall deliver crude oil purchased pursuant to this special rule to any refinery designated by the buyer, whether or not it is operated by the buyer; *Provided*, The buyer (i) has title to the product or products refined from the purchased crude oil when the refining process is completed, or (ii) exchanges such product in accordance with normal business practices.

(3) Crude oil offered for sale must be suitable for processing in the refiner-buyer's refinery or the refinery designated by the refiner-buyer. Crude oil is deemed to be suitable for processing in a refinery if it has historically been processed in the refinery or if it has the same or similar characteristics as crude oil that has historically been processed in the refinery. A refiner-seller may not be required to supply a specific type of crude oil to refiner-buyer's refinery if the volume of the crude oil that would account for a greater percentage of the refinery's total crude oil runs to stills in the allocation period concerned than was the case during the previous twenty-four month period.

(4) Crude oil offered to a refiner-buyer must be practical for delivery to and physically capable of being delivered to the refiner-buyer's refinery or a refinery designat-

ed by the refiner-buyer. The refiner-seller is responsible for arranging the delivery of allocated crude oil to the refiner-buyer's refinery or to the designated refinery except that, when the U.S. government is the seller, transportation from the location where the crude oil is made available to the refinery should be arranged and paid for by the buyer.

(5) All crude oil sold except for SPR crude oil pursuant to this section shall be priced in accordance with the provisions in Part 212, Subpart F, Special Rule No. 2.

(6) Exchanges of crude oil may be utilized to comply with the purchase and sale provisions of this special rule.

(7) Sales of crude oil made available from the Strategic Petroleum Reserve shall be made by the United States Government in accordance with contracting procedures and terms and conditions to be specified by the United States Government.

(1) *Failure to negotiate transactions or processing agreements.* (1) Each buyer shall make its best effort to consummate the purchase of crude oil under this special rule from sellers prior to requesting assistance from the ERA. A buyer that is able to demonstrate its inability to consummate a sale despite making such effort may request, in accordance with the procedures established under 10 CFR Part 205, Subpart G, that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such buyer. Such a request must be received by the ERA no later than 10 days after the publication of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested. Such a request must also document the buyer's inability to purchase crude oil from refiner-sellers by supplying the following to the ERA:

(i) Name of the buyer and the person authorized to act for the buyer in transactions under this section.

(ii) Names and locations of each refinery for which crude oil has been sought; whether the buyer owns the refinery; the amount of crude sought for each refinery; and the technical specifications and proportions of crude oil that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Statement describing terms and conditions or processing agreements that the buyer plans to enter into for purposes of having the crude oil refined and the extent to which such processing agreements are part of the buyer's normal business practices.

(v) Names and locations of all sellers from which crude oil has been sought under the buy/sell notice and the volume and specifications of the crude oil sought from each seller.

(vi) The response of each seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such seller.

(vii) Such other pertinent information as the ERA may request.

(2) Upon receipt of a request for a directed sale under paragraph (1), the ERA may direct one or more refiner-sellers that have not sold their required sales obligations for the allocation period to sell crude oil to the buyer. In directing refiner-sellers to make such sales, the ERA shall consider which seller or sellers can best be expected to con-

summate particular directed sales. If the buyer declines to purchase crude oil from the refiner-seller specified by the ERA, the rights of that buyer to purchase that volume of crude oil are forfeited during that allocation period: *Provided*, That the refiner-seller or refiner-sellers have fully complied with the provisions of this section. If the ERA determines that a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all of substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period.

(3) A product importer which is unable to negotiate a processing agreement with a domestic refiner to have its allocated crude oil refined at a domestic refinery may apply to the ERA to have its allocated crude oil processed at a non-U.S. refinery: *Provided*, That product refined from such crude oil is imported into the area of critical shortage on a barrel-for-barrel basis. Such applications must be filed no later than the ten days after the publication of the buy/sell notice for the allocation period in which the crude oil is directed sales. Each application must include the following:

(i) Name of the buyer and the person authorized to act for the buyer in transactions under this special rule.

(ii) A detailed amount of all attempts by the buyer to arrange for having the allocated crude oil processed in U.S. refineries, including a list of refiners contacted, the name and telephone numbers of individuals contacted, and reasons why the buyer did not enter into a processing agreement with each such refiner.

(iii) Statement of any restrictions, limitations or constraints on the buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Statement describing terms and conditions of processing agreements that the buyer plans to enter into with non-U.S. refiners for purposes of having the crude oil refined.

(v) A certification that the buyer will import a quantity of product refined from the crude oil equal to the quantity of crude oil allocated to it.

(vi) Such other pertinent information as the ERA may request.

(j) *Coordination with the IEP.* (1) A domestic IEP-designated reporting company that submits a written voluntary offer pursuant to the IEP shall simultaneously transmit a copy of the offer to the ERA if the offer either results in crude oil intended to be imported to the U.S. being rerouted, or results in crude oil being exported.

(2) The DOE will notify the IEA within forty-eight (48) hours of being notified of a voluntary offer as to whether acceptance of such offer by the IEA could impair the operation of the U.S. allocation system.

5. *Procedures and reporting requirements.* For purposes of this special rule, several new reporting requirements are added to § 211.66, which shall read as follows:

(a) All matters pertaining to the allocation of crude oil and the refinery yield control program shall be addressed to the ERA in accordance with 10 CFR 205.12, unless otherwise provided.

(b) *Monthly reports.* (1) Not later than the tenth (10th) day of each allocation period, each firm subject to this special rule shall

file with the ERA a report for each of its refineries which includes a statement of the actual crude oil runs to stills for each refinery for the previous allocation period and an estimate of crude oil supply for the next allocation period. For the first allocation period, the report of estimated crude oil supply must be filed within 72 hours of the refiner's notification that this special rule is operative.

(2) *Inventory report.* For each allocation period each refiner shall file with the ERA an estimate of additional crude oil supply to which each refinery has access, as defined in section 3 of this special rule.

(c) *Transaction report.* Within 24 hours of the completion of arrangements therefor, each transaction made to comply with this special rule shall be reported by telephone and confirmed in writing or by telex to the ERA by both the buyer and seller. This report shall identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

6. *Mandatory refinery yield control program.* For purposes of this special rule, § 211.71 shall read as follows:

§ 211.71 *Mandatory refinery yield control program.*

(a) *Purpose.* The refinery yield control program is designed to require each refiner to utilize available supplies of crude oil in a manner best suited to ensure adequate production levels of refined petroleum products and residual fuel oil which are or may be in short supply.

(b) *Scope.* This paragraph applies as specified to the production of refined petroleum products and residual fuel oil from crude oil by each refiner in the United States.

(c) *Product yield controls.*—(1) *Definitions.* As used in this paragraph "Base percentage yield" means the ratio, expressed as a percentage, of the total number of barrels of a particular refined petroleum product or residual fuel oil produced by a refiner during a specified base period to the refiner's total crude runs to stills in that base period.

"Based period" means an appropriate historical period determined by the Administrator during which the petroleum product or residual fuel oil was produced by the refiner.

(2) *Adjustment of base percentage yield.* Whenever a refined petroleum product or residual fuel oil is or will be in short supply, the ERA may direct refiners to adjust their base percentage yield of that product or residual fuel oil in order to increase the relative output of that product or residual fuel oil in short supply. Such directives may require either percentage changes in yields or changes in yields that would permit the refiner(s) to supply a product or residual fuel oil at specified levels. The ERA may direct a refiner or refiners to adjust yields of a particular refined petroleum product or residual fuel oil for a specific refinery or on a geographic or national basis.

(3) *Joint compliance.* Upon approval by the ERA, two or more refiners may adjust their base percentage yield of a particular refined petroleum product or residual fuel oil on a pooled basis such that the combined production of that product or residual fuel oil by the two or more refiners would equal the combined production of those refiners if each refiner had separately equalled or ex-

ceeded its base percentage yield of that product or residual fuel oil.

(d) *Allocation of crude oil.* The ERA may adjust either on a refiner or refinery basis the quantities of crude oil allocated pursuant to this special rule to ensure desired production levels of refined petroleum products or residual fuel oil in short supply. Such adjustments may be directed separately or in conjunction with orders to adjust base percentage yields.

APPENDIX

SPECIAL RULE NO. 2—TITLE 10, CHAPTER II, PART 212, SUBPART F—EMERGENCY MANDATORY ALLOCATED CRUDE OIL PRICING RULES

1. *Scope.* This Special Rule No. 2, to Subpart F, Part 212 sets forth the rules for pricing of crude oil subject to the DOE's Emergency Standby Mandatory Crude Oil Allocation and Refinery Yield Control Programs. This special rule does not provide for determination of the sale price for any Strategic Petroleum Reserve crude oil sold by the United States Government.

2. *Applicability.* (a) This special rule is effective beginning on the day when Special Rule No. 10 to Part 211, Subpart C, becomes effective pursuant to paragraph 2(a) thereof.

(b) During the time period this special rule is in effect, it supersedes § 212.94, Title 10, Chapter II, Subpart F (Allocated Crude Pricing).

(c) This special rule expires when Special Rule No. 10 to Part 211, Subpart C, expires. Upon expiration of this special rule, § 212.94, as set forth in Title 10, Chapter II, Part 212, Subpart F (Allocated Crude Pricing), is in effect.

3. For purposes of this special rule, § 212.94 reads as follows:

(a) *Definitions.* For the purpose of this special rule:

"Administrator" means the administrator of the Economic Regulatory Administration, Department of Energy.

"Allocation period" means a calendar month, except as otherwise specified in this rule.

"High sulfur crude oil" means crude oil the sulfur content of which is equal to or greater than 0.6% (six-tenths of one percent) by weight.

"Low sulfur crude oil" means crude oil the sulfur content of which is less than 0.6% (six-tenths of one percent) by weight.

"Domestic crude oil" means crude oil produced in the United States or from the "outer continental shelf" as defined in 43 U.S.C. 1331, but excluding crude oil stored in, or owned and controlled by the United States Government in connection with the Strategic Petroleum Reserve.

"Imported crude oil" means crude oil brought into the United States from a foreign country for consumption within the United States, but excluding crude oil stored in, or owned and controlled by the United States Government in connection with the Strategic Petroleum Reserve.

"SPR crude oil" means crude oil that is sold from the Strategic Petroleum Reserve.

"United States" means the several states, the District of Columbia, Puerto Rico and the territories and possessions of the United States other than the Panama Canal Zone.

(b) *Rule.* (1) For each allocation period, the price at which low sulfur and high sulfur crude oil shall be sold when required pursuant to Special Rule No. 10, Part 211, Subpart C, shall be the price established by

the Administrator for low sulfur crude oil and for high sulfur crude oil, plus a handling fee of — cents per barrel and any transportation, gravity, and sulfur content adjustments as specified in subparagraphs (2) through (4), respectively of this paragraph (b). A separate price for low sulfur and for high sulfur SPR crude oil may be established. The Administrator shall consider (i) the weighted average per barrel landed cost (as defined in § 212.82) for all low sulfur crude oil and for high sulfur crude oil delivered to all U.S. refiners in the month immediately preceding the month for which the price is effective; (ii) the data on the Transfer Pricing Report FEA-F701-M-0, wherein refiners report crude oil prices obtained in transactions between affiliated entities and in transactions between non-affiliated entities pursuant to 10 CFR 212.84; and (iii) other data that the Administrator considers to be appropriate for price determination purposes. Each refiner, when required pursuant to Special Rule No. 10, Part 211, Subpart C, shall maintain records which shall be made available to the ERA upon request, listing the volumes and costs of all imported low sulfur and high sulfur crude oil delivered to it.

(2)(i) A price adjustment shall be made for transportation expenses for crude oil offered for sale pursuant to Special Rule No. 10, Part 211, Subpart C, by adding to the price established by the Administrator under paragraph (b)(1) of this section:

(A) Where domestic crude oil (other than Alaskan crude oil sold to a refiner-buyer located in other than Alaska) is sold, the actual cost of transporting the domestic crude oil from:

(1) The wellhead, in the event the refiner-seller is also the producer of the crude oil so sold, or

(2) The point of purchase or exchange in the event the refiner-seller acquires the crude oil so sold pursuant to a purchase or exchange, to the refiner-buyer's refinery;

(B) Where Alaskan crude oil is sold to a refiner-buyer located other than in Alaska, the actual cost of transporting the Alaskan crude oil from the point of landing to the refiner-buyer's refinery;

(C) Where imported crude oil is sold, the actual cost of transporting the imported crude oil from the United States port of entry to the refiner-buyer's refinery; or

(ii) For purposes of calculating transportation adjustments under this subparagraph (2)(i), a seller of crude oil shall include pipeline tariffs, water transportation and terminaling costs, exchange differentials, insurance and taxes paid to deliver the domestic, imported, other than SPR crude oil.

(iii) Each seller of crude making a sale of domestic crude oil under Special Rule No. 10, Part 211, Subpart C, shall maintain records which shall be made available to the ERA upon request, listing the volumes and types of domestic crude oil sold, the acquisition cost of such crude oil, and the transportation expenses incurred in transporting the domestic crude oil to the refiner-buyer's refinery.

(3) A price adjustment shall be made for gravity differential of crude oil offered for sale under Special Rule No. 10, Part 211, Subpart C, by adding to or subtracting from the price calculated under paragraph (b)(1) of this section an amount per barrel fixed monthly by the ERA for each degree API that the crude oil being offered for sale is about or below, respectively, the weighted average degree API of the reference crude

oil of the same sulfur content category, established monthly by the ERA.

(4) A further price adjustment shall be made for sulfur content differential of crude oil offered for sale under Special Rule No. 10, Part 211, Subpart C, by adding to or subtracting from the price calculated under paragraph (b)(1) of this section an amount per barrel fixed monthly by the ERA for each one-tenth of one percent that the sulfur content by weight of the crude oil being offered for sale is either below or above, respectively, the percentage representing the sulfur content of the reference crude oil of the same sulfur content category established monthly by the ERA.

(c) *Publication.* The ERA will issue for publication in the FEDERAL REGISTER the price at which low and high sulfur crude oil shall be sold as determined pursuant to this special rule and the sulfur and gravity differentials to be applied thereto. The ERA will calculate the percentage representing the weighted average sulfur content of imports of crude oil and will issue the data for publication in the FEDERAL REGISTER.

[FR Doc. 78-4173 Filed 2-10-78; 4:44 pm]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 123]

DISASTER LOAN POLICY

Proposed Regulations Implementing Economic Dislocation, Economic Injury Loans

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pub. L. 95-89, 91 Stat. 560 approved August 4, 1977, authorizes SBA to make loans to small businesses in a region or business sector (hereafter sometimes collectively referred to as an area) affected by an economic dislocation. These proposed rules define the term "economic dislocation" and set forth the procedures for having a region or business sector designated as an area of economic dislocation, and the conditions under which such loans will be made.

DATE: Comments should be forwarded by March 17, 1978.

ADDRESS: Comments should be sent in duplicate to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6470.

SUPPLEMENTARY INFORMATION: The Administrator of SBA is responsible for defining the general scope of events which are considered to cause

an economic dislocation which justifies the designation of a region or business sector as eligible for the economic injury loans authorized by section 404 of Pub. L. 95-89. The proposed rule defines an economic dislocation as an extraordinary and severe event which has a temporary adverse financial impact on a small business firm and which is (1) independent from any decision or situation created by the firm, and (2) not reasonably foreseeable by the firm's ownership or management. This definition, based on specific requirements in the legislation, makes clear that the loan authority is not the equivalent of business continuation insurance. The definition also precludes a designation as a result of depressed or other general market conditions such as inflation, recession, or the generally recognized risks of doing business in a free enterprise system such as strikes, or a shortage of material and supplies.

Four examples of the type of economic dislocation contemplated were cited by the Conference Committee. These were: lack of snow in ski areas, the Mexican peso devaluation, Indian tribal claims to land in Mashpee, Mass., and the extreme cold weather of the winter of 1967-77. The proposed regulation requires that any economic dislocation should fit the general pattern identified by these four situations. Situations on which comments are requested include (by way of example and not of limitation): Disruption of services of utility or telephone companies; abandonment of railroad lines requiring establishment of alternate supply routes; closing of a major customer of numerous small concerns; events in foreign countries (boycotts, natural disasters, strikes) which affect U.S. manufacturers and suppliers.

The Administration also recognizes its general responsibility to exercise its authority in a manner which is consistent with and in furtherance of national policy and in coordination with the activities and policies of other government agencies.

The proposed rules set forth the procedures by which the Governor of a State may request the designation of a region or business sector as being subject to temporary economic dislocation. The law requires that a substantial number of small businesses be adversely affected and SBA has determined that a minimum of five businesses is necessary in a sparsely populated area, but that a larger number may be required in a densely populated area. The Governor must identify the event which has caused an economic dislocation, the number of small businesses affected, the area affected, the expected duration of the economic dislocation and certify that financial assistance is not available on reasonable terms.

The proposed rules also define the purpose for which loans may be used. Loans are limited to working capital, and to the refinancing of debt to commercial lenders if this can be accomplished without a reduction of the commercial lenders' exposure. Loans are limited by law to \$100,000 but will be based on the amount of economic injury suffered by the small business. In common with other economic injury loans, the maximum term is 30 years but the term will be determined by the need of the small business. Payment of principal and interest will be deferred for one year at the request of the borrower. The interest rate is at a statutory formula based on cost of money to the government.

Pursuant to the authority of Section 5(b)(6) of the Small Business Act (15 U.S.C. 634), Part 123, Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1(b) is amended by adding a new subparagraph (9) as follows:

§ 123.1 General

* * *

(b) * * *

(9) Which is located in a region or is part of a business sector designated pursuant to § 123.2(b)(8) as suffering from economic dislocation if SBA determines such loan is necessary to enable an otherwise financially sound concern to remain in business or to return quickly to its former level of operation (Economic Dislocation Assistance).

2. Section 123.2(a) is amended by adding a new subparagraph (6), by including economic dislocation in paragraph (b) and adding a new subparagraph (8) under paragraph (b) as follows:

§ 123.2 Eligibility.

(a) * * *

(1) * * *

ECONOMIC DISLOCATION

(6)(i) The Administrator of SBA makes designations that small business concerns in certain regions or business sectors are suffering from an economic dislocation due to an extraordinary, severe, or temporary natural or other temporary specific condition which is not due to any decision, or risk assumed by the small business concerns affected and which was not reasonably foreseeable by the concerns' ownership or management. To be considered temporary, an economic dislocation should be expected to end within 12 months of the date of designation by SBA.

(ii) The designation of an area of economic dislocation may be made based on the Administrator's knowl-

edge of conditions affecting small businesses or as a result of a certification from the Governor of a State which identifies the cause of the economic dislocation, the region or business sector affected, its anticipated duration, the number of small concerns affected (which must be at least five and more if the region or business sector includes numerous businesses), that SBA assistance is necessary to enable otherwise financially sound concerns to remain in business or return quickly to their former levels of operation and that financial assistance is not otherwise available on reasonable terms. Such certifications are sent to the Regional Directors in whose jurisdiction the area of economic dislocation is. The Regional Director forwards it with his recommendation to the Associate Administrator for Operations for submission to the Administrator.

(iii) No designation will be made if the assistance would:

(A) Conflict with national policy (for example, no designation will be made because of a lock-out or a strike, since both are recognized economic tools in labor relations); (B) be granted because of depressed market conditions, inflation, recession, effects of competition (foreign or domestic), or other generally accepted risks of doing business in a free enterprise system; (C) make duplicate assistance available if a natural disaster declaration covering the area was issued or if natural disaster assistance has been made available pursuant to § 123.2(a)(4)(i) D; or (D) be granted for other causes not considered within SBA's legislative authority.

(iv) Designations will not be published in the FEDERAL REGISTER, but will be publicized in the affected region.

(b) *Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, water pollution control, air pollution control and economic dislocation loans.* (1) * * *

(8) *Special consideration—economic dislocation loans.* To qualify for an economic dislocation loan, an applicant must be in a region or business sector which has been designated by SBA as affected by an economic dislocation. It must be financially sound, but for the effects of the economic dislocation.

3. Section 123.3 is amended by adding at the end thereof a new paragraph (m) to read as follows:

§ 123.3 Purposes of loans.

* * *

(m) *Economic dislocation loan assistance.* (1) The purpose is to provide working capital to small concerns which have suffered substantial economic injury to enable them to remain in operation, or return to their former

level of operation, when the effects of the economic dislocation have ceased, or adjustments in operations have been made to compensate for the economic dislocation. Funds may be used to carry accounts receivable, pay accounts payable, bring current long term debt and for general operating expense.

(2) Refinancing of existing debt is permissible if such refinancing does not reduce the exposure of any other lender. Thus, refinancing is limited to debts owed to commercial lenders as defined in § 123.1(c)(2) who will participate with SBA in a guaranteed or immediate participation loan at least to the extent of the debt being refinanced, but in no event less than 10%.

4. Section 123.5 is amended by rewording paragraph (a) to read as follows:

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a)(2) and (3)(c) through (1). Economic dislocation loans as described in 123.3(m) are limited by law to a maximum of \$100,000 and a maximum term of thirty years.

5. Section 123.8 (c) is amended to read as follows:

§ 123.8 Repayment

(c) Except as described in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest. In economic dislocation loans made pursuant to § 123.2(b)(8) the borrower, upon his request, shall be permitted to defer payments of principal and interest for one year from the date of the note.

(Sec. 404, Pub. L. 95-89, 91 Stat. 530 (15 U.S.C. 636).)

(Catalog of Federal Domestic Assistance Programs Nos. 59.028.)

Dated: February 9, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4157 Filed 2-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[EDR-342A; Docket No. 31861; Dated: February 10, 1978]

CHARTER TRIPS AND SPECIAL SERVICES

Off-Route Charter Limitations; Extension of Time for Comments

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 30 days the time for filing comments in EDR-342, a proposal to alter the rules concerning off-route charters. The extension was requested by attorneys for the National Air Carrier Association (NACA).

DATES: Comments by March 29, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 31861, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION:

In its notice EDR-342, 42 FR 64704, December 28, 1977, the Board proposed to eliminate all restrictions on off-route cargo charters by all-cargo carriers, to modify the frequency restrictions for foreign off-route charters, to raise the volume restrictions, and to allow optionally the use of available seat miles as the basis for volume limits. Comments were due February 27, 1978.

By letter of February 7, 1978, attorneys for NACA have requested that the time for submitting comments on EDR-342 be extended 30 days. They noted that some scheduled carriers had not yet submitted certain required reports that included information on their charter operations, which NACA believed was needed in order to make a meaningful statistical presentation in its comments on the proposal.

The undersigned finds good cause to grant this request for an extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments in EDR-342 is extended to March 29, 1978.

(Sec. 204, Federal Aviation Act of 1958, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-4154 Filed 2-14-78; 8:45 am]

[6320-01]

[14 CFR Part 223]

[EDR-344; Docket No. 31728; Dated: February 9, 1978]

FREE AND REDUCED RATE TRANSPORTATION

Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend the Board's regulations to allow air carriers to make student fares available to natives of Guam, American Samoa and the Trust Territory of the Pacific Islands between the student's home and his school or vocational training program in Alaska, Hawaii or the mainland United States.

DATES: Comments by March 16, 1978.

ADDRESSES: Comments should be sent to Docket 31728, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Docket comments may be examined in Room 711 at the address above as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5436.

SUPPLEMENTARY INFORMATION:

In the "Pacific Overseas Fares Investigation," Order 77-10-134, the Board found that various fares conditioned on the status of the passenger, including youth and student fares, were unjustly discriminatory within the meaning of section 404(b) of the Federal Aviation Act of 1958. While we ordered those fares canceled, we noted that section 403(b) of the Act authorizes the Board to specify by rulemaking categories of persons eligible for free and reduced-rate overseas air transportation, and we invited the carriers to petition the Board for authority to offer student fares in various Pacific overseas markets.

Pan American World Airways has petitioned the Board to authorize stu-

dent fares between the United States and Guam and the United States and American Samoa. Continental Air Lines and Air Micronesia have jointly petitioned the Board in Docket 31742 to allow student fares in those markets and between the United States and the Trust Territory of the Pacific Islands.¹ These carriers ask that the fares be limited to native students traveling to and from their school or vocational training program. The legislature of American Samoa has answered those petitions and generally favors student fares so long as rate-making adjustments are applied to assure that normal fare U.S.-Pago Pago passengers will not bear the burden of any consequent revenue dilution.²

The record in the "Pacific Overseas Fares Investigation" portrays an unusual combination of financial need, geographic isolation, and U.S. obligation to the inhabitants of the islands which persuade us to propose authorizing reduced student fares on those markets on a limited basis. It shows that the one university in Guam is insufficient to satisfy the educational needs of the entire area and that a large number of students leave the islands each year to attend school in the United States. It also shows that the full round-trip air fare from Saipan to Los Angeles, the closest destination in the continental United States, is more than 15 percent greater than the median annual income of a Trust Territory family. Because of the natives' low incomes and the extreme isolation of islands, it is obvious that the absence of reduced-rate transportation could effectively deny students the opportunity of higher education.

We believe it may be desirable for the Board to help resolve this problem because the United States' obligation to the natives of Guam, who are U.S. citizens, the natives of American Samoa, who are U.S. nationals, and the natives of the Trust Territory, whose education we have pledged to promote, might otherwise go unfulfilled. The Board is given the power to prescribe regulations allowing reduced fares such as those we now propose by section 403(b) of the Act. In keeping with the above-outlined factual predicate for student fares, the proposed amendment would limit their availability to native students traveling between their home in the islands and their school or vocational training program.

¹The Board has decided to consolidate the Continental/Air Micronesia petition into Docket 31728.

²Pan American has filed a motion for leave to file on unauthorized document which argues that no adjustment should be made. We have considered that document in drafting this proposed rule and grant leave for Pan Am to file the document.

We tentatively agree with the legislature of American Samoa that the U.S.-Pago Pago student discount should be treated as an ordinary discount for purposes of fixing normal fares in that market. That is, student traffic should not increase the level of normal fares.³ It is true that our exercise of discretion to permit student fares under section 403(b) is premised on various considerations, not all of which are strictly related to the cost of carrying such traffic. It is not our intention to require the carriers to offer these fares, however, and we would permit them to limit their availability in any way they see fit—e.g., by standby restrictions and black-out periods. Thus the carriers will have the capability of assuring that the marginal costs of carrying the students are very low. Accordingly, there is no reason to believe that the revenues from these fares will not cover the costs of this service, and we see no reason to build a dilution factor into normal fares to compensate for student traffic.

PROPOSED RULE

The Board proposes to amend Part 223 of its Economic Regulations (14 CFR Part 223) as follows:

Amend §223.2 by adding a new paragraph (g) as follows:

223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in Subparts B and C of this part:

(g) Any air carrier may, to the extent authorized in its certificate or elsewhere, provide reduced-rate overseas air transportation to students who are native to Guam, American Samoa, or the Trust Territory of the Pacific Islands: *Provided, however*, That the student must be enrolled in, or enroute to or from enrolling in, a college, university, trade school or similar bona fide educational or vocational program at the time of travel; the student fares may be made available only to students traveling between their homes in Guam, American Samoa and the Trust Territory and their schools and vocational training programs in Alaska, Hawaii and the mainland United States; and the carrier shall file with the Board tariffs showing all fares, rates, charges and applicable rules for air transportation provided under this subsection.

³In markets other than U.S.-Pago Pago, we have not yet determined to set rates on the basis of normal-fare standard load factors; in those markets, student discounts will therefore be treated like all other discounts in determining costs and revenue needs.

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. The Board will consider all relevant material received by the date shown at the beginning of this notice before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section without having to file additional copies.

(Secs. 102, 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 758; (49 U.S.C. 1302, 1324, 1373).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc 78-4171 Filed 2-14-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 30171]

ALDENS, INC.

Consent Agreement with Analysis to Aid
Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Chicago, Ill. mail order house to cease discriminating against credit applicants on basis of sex or marital status, and to cease failing to timely provide rejected applicants with the reasons for such adverse action. Further, when denial of credit is based on consumer credit reports, the firm is required to furnish affected parties with the names and addresses of reporting companies.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.

DATE: Comments must be received on or before April 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, Asst. Director for Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1139.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the F.T.C. Act, 38 Stat. 721, 15 U.S.C. 46 and §2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission—that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL
TRADE COMMISSION

In the Matter of ALDENS, INC., a corporation.

File No. 772 3017, Agreement Containing
Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Aldens, Inc., a corporation, and it now appearing that Aldens, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Aldens, Inc., by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the facts as alleged in the draft complaint here attached are true or that any law has been violated.

2. Proposed respondent Aldens, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 5000 West Roosevelt Road, Chicago, Ill. 60607.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Com-

mission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service on respondent. Mailing of the complaint and decision containing the agree to order to the undersigned officer at proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

8. It is agreed that the relief for consumers set forth in the order contained herein fully satisfies any claim for consumer redress which the Commission has under sections 5(b) and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the draft of complaint, prior to the effective date of this order. By its final acceptance of this agreement, with such modifications, if any, which the parties may make prior to said final acceptance, the Commission waives its right to commence a civil action under section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Commission's draft of complaint, prior to the effective date of this order.

9. It is further agreed that to the extent the provisions of Subparagraphs 7(c) and 7(d) of Order I of the agreed to order differ from the provisions of any final order issued by the Commission against Montgomery Ward and Company, Incorporated which deals with the determination and disclosure of reason(s) for denial, respondent, upon petition to the Commission, shall be entitled to modification of Subparagraphs 7(c) and 7(d) of Order I to conform to the terms of such final order.

ORDER

Definitions: For the purposes of this Order the following definitions are applicable:

(a) "Regulation B" shall refer to that version of Regulation B (12 C.F.R. § 202) of the Equal Credit Opportunity Act, 15 U.S.C. §§ 1691-1691e, as amended by Pub. L. No. 94-239, in effect on and after March 23, 1977.

(b) The terms "account," "applicant," "application," "contractually liable," "consumer credit," "creditor," "credit transaction," "discriminate against an applicant," "inadvertent error," "marital status" and "open end credit" shall be defined as provided by section 202.2 of Regulation B.

(c) The terms "consumer report" and "consumer reporting agency" shall be defined as provided in section 603(d) and 603(f), respectively, of the Fair Credit Reporting Act (15 U.S.C. § 1681a (d) and (f) (1970)).

ORDER I

It is ordered that respondent Aldens, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with every application for consumer credit do forthwith cease and desist from:

1. Discriminating against applicants for credit on the basis of sex or marital status with respect to any aspect of a credit transaction in violation of section 202.4 of Regulation B.

2. Taking sex or marital status into account in a credit scoring system or other method of evaluating applications in violation of section 202.6(b)(1) of Regulation B.

3. Failing to consider child support payments, where disclosed by the applicant as income in evaluating applications, to the extent that such payments are likely to be consistently made, as required by section 202.6(b)(5) of Regulation B.

4. Requesting, where the applicant applies for an unsecured separate account in a State other than a community property State, the name of the applicant's spouse in violation of section 202.5(d)(1) of Regulation B.

5. Requesting or considering information concerning an applicant's spouse (or former spouse under (e) below) unless:

(a) the spouse will be permitted to use the account; or

(b) the spouse will be contractually liable upon the account; or

(c) the applicant is relying on the spouse's income as a basis for repayment of the credit requested; or

(d) the applicant resides in a community property State or property upon which an applicant is relying as a basis for repayment of the credit requested is located in such a State; or

(e) the applicant is relying on alimony, child support or separate maintenance payments from a spouse or former spouse as a basis for repayment of the credit requested, in violation of section 202.5(c) of Regulation B.

6. Failing to preserve records including (1) written consumer reports received from consumer reporting agencies, (2) worksheets on which information given orally by a consumer reporting agency concerning the applicant's credit history was recorded by respondent's employees, (3) worksheets on which information concerning the applicant derived from telephone calls to various natural persons, corporations and partnerships was recorded by respondent's employees and (4) written documents on which the points

assigned by respondent's point scoring system to applicant's answers to various items on the Aldens charge application were recorded by respondent's employees, as required by section 202.12 of Regulation B.

7. Failing to provide applicants against whom adverse action is taken with a statement of specific reasons for the action taken, either at the time of notifying the applicant of such action or within 30 days of receiving an oral or written request for the reasons from the applicant within 60 days of notification of adverse action, as required by section 202.9 of Regulation B.

(a) Provided that if respondent cannot locate the applicant's file after good faith efforts because the applicant did not supply the file number assigned to that application, the respondent shall be deemed to be in compliance with the provisions of this paragraph only if it had clearly and conspicuously advised the applicant in the notification of adverse action of the file number and that the respondent will be unable to furnish the reason(s) for denial unless the applicant furnishes the file number with the request for reasons. Where respondent is unable to locate the applicant's file as a result of the applicant's failure to supply the file number with the request for reasons, the respondent shall so notify the applicant of that fact.

(b) Respondent shall not be deemed to have violated the requirements of this paragraph if it cannot locate the applicant's file after good faith efforts because of an inadvertent error; provided that, (1) the respondent so notifies the applicant, and (2) upon discovering the error the respondent corrects it as soon as possible and commences compliance with this paragraph.

(c) Provided further that where an application for credit is denied by respondent based on the failure of the applicant to obtain a sufficient number of points under a point scoring system, a statement of the specific reasons for the action taken complies with this paragraph only if it includes:

(i) A brief explanation of respondent's point scoring system which informs the applicant that: (1) the system assigns a value to a number of different creditworthiness criteria taken from the face of the application or other sources, (2) the applicant's total score on all criteria determines whether respondent will grant or deny credit, and (3) the factor(s) disclosed are those which most significantly affected the respondent's decision (an example of an explanation that complies with this subparagraph is set forth in Appendix A; an explanation which is substantially similar to Appendix A will be considered to be in compliance with the provisions of this subparagraph to the extent to which it accurately describes respondent's scoring system); and

(ii) the criteria, not fewer than four (4), in respondent's point scoring system which most significantly affected respondent's adverse decision, except that (1) disclosure of a single criterion complies with this paragraph if that criterion would cause an adverse decision were the applicant to achieve a maximum rating on the other criteria used in evaluating applicants, and (2) respondent shall not disclose a criterion on which the applicant scored the maximum number of points even if this results in the disclosure of fewer than four criteria. For the purpose of this paragraph (7) the term "criterion" means any item of information to which the respondent assigns points, for example, "length of employment" and "no

telephone at residence." The most significant criteria are to be determined by selecting the criteria which produced the greatest differential between the applicant's score and the maximum number of points obtainable for each criterion. Respondent shall not be deemed to have violated the requirements of this paragraph if it does not list the criteria which most significantly affected respondent's adverse decision because of an inadvertent error.

(d) Respondent shall notify the Commission if within ten (10) years from the effective date of this order it changes the credit scoring system in use at the time of execution of this order in a manner which would materially affect the accuracy of the reasons provided under subparagraph 7(c)(ii); provided that any changes in respondent's credit scoring system (e.g., addition or deletion of specific criteria, increase or reduction of the points assigned to specific criteria) which are made in good faith to adjust respondent's bad debt losses, to reduce respondent's operating expenses, or to increase the availability of credit shall be presumed not to materially affect the accuracy of reasons given under subparagraph 7(c)(ii).

(e) Provided further, that subsequent approval of an application which respondent initially denied shall not relieve respondent of its obligation to provide the statement of specific reasons for the initial denial as required by section 202.9 of Regulation B and this paragraph.

8. Failing to provide a statement of the reasons(s) for denial as set forth in paragraph 7, above, to all applicants who were denied credit and requested the reason(s) for denial during the period January 31, 1976 through March 22, 1977.

(a) Provided that if respondent subsequently opened an account for any applicant who was denied credit and requested the reason(s) for denial during the period from January 31, 1976, through March 22, 1977, respondent shall not be required to furnish such applicants the reason(s) for denial provided for in this paragraph if the applicant expressly accepted the account through acceptance of merchandise ordered on the account or submission of subsequent orders for merchandise.

9. Failing to review the applications of all persons employed as waitresses who were denied credit during the period October 28, 1975, through March 22, 1977, and send such applicants by first-class mail a notice in the language and form shown in Appendix B, which shall contain as an enclosure a current Aldens Charge Application. Respondent shall review the charge applications which are mailed to the Company in response to the notice letter (Appendix B) according to the credit granting standards in effect at the time that the charge application is received and in effect on August 1, 1976, except that no less than two (2) points shall be awarded for occupation. Respondent shall open accounts for those applicants who qualify under either set of credit granting standards. If the applicant qualifies under both standards, the applicant shall be granted the higher of the two credit limits. Respondent shall send each such applicant a notification of action taken as required by section 202.9 of Regulation B and a notification of the amount of the credit limit, if any, established on the account.

ORDER II

It is further ordered that respondent, Aldens, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any application for credit that is primarily for personal, family or household purposes, and in connection with either the receipt or consideration of any consumer report, do forthwith cease and desist from:

1. Failing whenever credit for personal, family or household purposes involving the consumer is denied either wholly or partly because of information contained in a consumer report from a consumer reporting agency, to so advise the consumer against whom such adverse action has been taken and to supply the name and address of the consumer reporting agency making the report as required by section 615(a) of the Fair Credit Reporting Act.

(a) Provided that respondent shall not be liable for a civil penalty for any violation of this Paragraph if: (i) respondent shows by a preponderance of the evidence that the violation was caused by inadvertent error; and (ii) upon discovery of the violation the respondent corrects it as soon as possible by sending the notice required by this section to the consumer.

2. Failing to advise each applicant who was denied credit for personal, family or household purposes involving the consumer based in whole or in part on information contained in a consumer report from a consumer reporting agency, for a period of three (3) years prior to the date of execution of this order, of such action and to supply the name and address of the consumer reporting agency making the report as required by section 615(a) of the Fair Credit Reporting Act.

(a) Provided that to the extent that respondent's records reflect that the notice required by section 615(a) of the Fair Credit Reporting Act was previously given to the applicant respondent shall be deemed in compliance with the provision as to such applicants.

(b) Provided further that where the applicant was denied credit on the basis of a "credit index" report, respondent shall also advise the applicant that the information used may have concerned items of adverse information relating not to the applicant but to individuals residing at the applicant's address.

It is further ordered that respondent shall preserve evidence of compliance with the requirements imposed under this order for a period of not less than 25 months after respondent notifies each applicant of the reasons for denial pursuant to paragraph 8 of order I, above, the action taken on applications for new accounts pursuant to paragraph 9 of order I, above, and the name and address of any consumer reporting agency pursuant to paragraph 2 of order II, above. Respondent shall upon request permit the Commission through its duly authorized representatives to inspect such records.

It is further ordered that respondent shall deliver a copy of this order to cease and desist to all present and future supervisory employees engaged in reviewing, evaluating or otherwise processing applications for credit.

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution,

arrangement or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered that respondent shall within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order. Respondent shall also within one-hundred twenty (120) days after service upon it of this order file with the Commission a supplemental written report setting forth in detail the manner and form in which it has complied with paragraph 9 of order I of this order.

APPENDIX A

In reviewing your application, Aldens used a credit scoring system that is based on our experience with other applicants. This system assigns points to various items of information on your application (and, as applicable, other sources of the information scored, such as credit reports). We scored the information which you supplied in your application (or, as applicable, other sources), totaled the points and found that you did not achieve the minimum score required for purchases in the amount requested by your order.

We have listed below the four factors which most significantly affected our decision to deny your application for credit.

APPENDIX B

ALDENS, 5000 WEST ROOSEVELT ROAD,
CHICAGO, ILL.

Ms. _____
[Street Address]
[City, State]

DEAR MS. _____: We regret that due to an oversight in our initial evaluation of your recent application for credit, we were unable to open an account for you. Aldens has now modified its credit granting standards and would appreciate the opportunity to review your application for credit again.

Should you desire to open an Aldens Credit Account, please complete and send us the enclosed charge application. We'll evaluate your application and notify you of our decision as soon as possible.

Thank you for considering Aldens.

ALDENS, INC.,
CHARLES ARTHUR,
New Account Manager.

ALDENS, INC.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an Agreement Containing a Consent Order to Cease and Desist from Aldens, Inc., 5000 West Roosevelt Road, Chicago, Ill. 60607.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission

will review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order. The agreement states that it is for settlement purposes only and does not constitute an admission by the proposed respondent that the law has been violated as alleged in the complaint.

The complaint that led to the proposed order to cease and desist alleges violations of two separate Acts: The Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"). The alleged violations and corresponding order provisions of each of these Acts will be discussed separately below.

I. Equal Credit Opportunity Act allegations and order provisions

The complaint contains allegations of nine separate violations of the ECOA and Regulation B as in effect between October 28, 1975 and March 23, 1977. The proposed order provisions are designed to provide prospective relief as well as retroactive relief in some instances.

(1) *Denial of credit to waitresses.* The complaint alleges that Aldens discriminated on the basis of sex because it denied credit to all female applicants who were "waitresses" but gave a positive value in its credit scoring system to the occupation of "waiter". The proposed order would require Aldens to cease discriminating on the basis of sex and also require Aldens to send a letter inviting all waitresses who were denied credit during the period October 28, 1975 to March 22, 1977 to reapply for credit in light of changes to Aldens' credit scoring standards. Aldens would be required to evaluate these resolicited applications without regard to the applicant's sex.

(2) *Failure to consider child support payments.* The complaint alleges that Aldens failed to consider child support payments as income. The proposed order would require Aldens to consider child support payments to the extent they are likely to be consistently made.

(3) *Requesting the name of an applicant's spouse.* The complaint alleges that Aldens wrongfully asked applicants for unsecured separate accounts in states other than community property states to disclose the name of their spouse. The proposed order would require Aldens to cease and desist from asking an applicant who has applied for a separate, unsecured account in a state other than a community property state for the name of his or her spouse.

(4) *Requesting the marital status of the applicant.* The complaint alleges that Aldens' practice of requesting the nonapplicant spouse's name in the circumstances described above amounts

to a request for the marital status of the applicant. This alleged violation would be remedied by the provision prohibiting Aldens from obtaining the name of the spouse in impermissible circumstances, as described above.

(5) *Ordering credit bureau reports on a nonapplicant spouse.* The complaint alleges that Aldens used the name of the spouse to order credit bureau reports on nonapplicant spouses in situations not permitted by Regulation B. The complaint also alleges that Aldens ordered and used credit bureau reports in a discriminatory manner by ordering credit bureau reports on the husbands of female applicants for separate credit but not ordering credit bureau reports on the wives of male applicants for separate credit. The proposed order would require Aldens to cease and desist from ordering credit bureau reports on nonapplicant spouses, except where specifically permitted by Regulation B, and to cease discriminating on the basis of sex and marital status in the evaluation of creditworthiness.

(6) *Use of credit reports from Hooper-Holmes Credit Index.* The complaint alleges that Aldens used credit reports from Credit Index (a consumer reporting agency subsidiary of Hooper-Holmes Bureau, Inc.) in a manner which had the effect of discriminating against married applicants. These reports consist of lists of adverse information concerning persons who live at the applicant's address who have the same last name as the applicant. Because Aldens denied applications if any person at the applicant's address with the same last name had a bad credit history, the complaint alleges that Aldens' policy has the effect of discriminating against married persons. The proposed order would prohibit Aldens from discriminating on the basis of marital status in any aspect of a credit transaction.

(7) *Refusal to issue joint accounts where the wife uses her maiden name.* The complaint alleges that Aldens has refused to issue joint accounts to married couples where the wife uses her maiden name or her first name and a combined surname. The order would remedy this alleged violation by prohibiting Aldens from discriminating on the basis of sex or marital status.

(8) *Failure to preserve records.* The complaint alleges that Aldens failed to retain for 15 months certain written records as required by the original Regulation B, including point scoring sheets, credit bureau reports and credit evaluation worksheets. The order would require Aldens to prospectively preserve all documents as required by amended Regulation B.

(9) *Failure to provide reasons for denial.* The complaint alleges that Aldens failed to comply with the original Regulation B requirement that

Aldens provide all rejected applicants with the reasons for denial, upon request. Aldens advised some applicants that their application could not be located and therefore Aldens could not tell them why it was denied. Other applicants were advised that the denial was due to information from a credit bureau report which was obtained after the request for reasons had been received. The complaint further alleges that Aldens also failed to answer oral requests for reasons. The proposed order would require Aldens to retroactively provide all applicants who had made requests for reasons for denial during the period of January 31, 1976 through March 22, 1977 with the specific reasons for denial. The proposed order would also require Aldens to prospectively provide specific reasons for denial in accordance with the requirements of amended Regulation B. When a denial is due to a low score in Alden's credit scoring system, the proposed order would require Aldens to briefly explain its credit scoring system and disclose the four criteria in its system which most significantly affected Alden's decision to deny the application. Aldens would not be permitted to group several criteria together under one generic heading but would have to disclose the actual criteria used. Aldens would also have to provide reasons for the initial denial even if it later reevaluates the account and decides to approve it.

II. Fair Credit Reporting Act allegations and order provisions.

The complaint alleges that Aldens violated Section 615(a) of the Fair Credit Reporting Act. Section 615(a) provides, in pertinent part, that whenever consumer credit is denied either wholly or partly because of information contained in a consumer report ("credit report"), from a consumer reporting agency ("credit bureau"), the creditor must so advise the consumer and supply the name and address of the consumer reporting agency making the report. The complaint alleges that subsequent to April 25, 1971 Aldens violated Section 615(a) in three ways. First, it alleges that Aldens rejected applications for credit in whole or in part because of adverse information obtained from Credit Index concerning persons who resided at the applicant's addresses with the same or similar last name without providing the FCRA notice. Second, it alleges that Aldens rejected applications for credit in whole or in part because of information from consumer reporting agencies which contradicted or failed to confirm information on the application without providing the FCRA notice. Third, it alleges that Aldens rejected applications for credit in whole or in part because reports from consumer reporting agencies failed to pro-

vide sufficient information regarding the applicant's creditworthiness. The proposed order would require Aldens to retroactively provide all applicants who were denied in whole or in part because of information in a consumer report during the three year period prior to the effective date of this order with the notification of that fact and the name and address of the consumer reporting agency that provided the report. The proposed order would also prospectively require Aldens to comply with Section 615(a) and would require Aldens to notify consumers who are denied credit because of information contained in a Credit Index Consumer report that the information used may also have concerned adverse information relating to persons other than the applicant who reside at the applicant's address.

The proposed consent order would require Aldens to file compliance reports and to deliver a copy of the order to all present and future supervisory employees engaged in reviewing, evaluating or otherwise processing applications for credit.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

IFR Doc. 78-4114 Filed 2-14-78; 8:45 am

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 901]

SUSPENSION AND TERMINATION OF ENROLLMENT OF ACTUARIES

Proposed Adoption of Provisions Governing Grounds and Procedures for Suspension or Termination of Enrolled Actuaries

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Proposed rule.

SUMMARY: The proposed rule amends the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974 (ERISA) applies. The amendments specify grounds for the suspension or termination of enrollment to perform such services. Such grounds include specified acts of disreputable conduct, failure to discharge duties imposed by ERISA, and failure to satisfy the requirements for enrollment in effect at the time an enrollee applied for enrollment. The amendments also provide procedures to be followed in initiating and conducting proceed-

ings for suspension or termination of an individual's enrollment. In addition, a standard of performance required of enrolled actuaries, reflecting the intent of Congress, has been added to those already delineated in the regulations.

The proposed rule is intended to provide standards for the exercise of the authority conferred upon the Joint Board by Section 3042(b) of ERISA, Title 29 U.S. Code, Section 1242(b).

DATES: Comments must be in writing (preferably seven copies) and must be received on or before April 17, 1978. No hearing is contemplated but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally and raising a genuine issue. The effective date will be 30 days after publication of the anticipated final rule in the FEDERAL REGISTER.

ADDRESS: Comments should be addressed to the Office of the Executive Director, Joint Board for the Enrollment of Actuaries, U.S. Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Executive Director, 202-634-5071.

SUPPLEMENTARY INFORMATION: These proposed regulations are to be issued under the authority contained in Section 3042, Subtitle C of Title 3 of the Employee Retirement Income Security Act of 1974 (88 Stat. 1002, 29 U.S.C. 1242).

GROUND FOR DISCIPLINARY ACTION

Section 901.31(a) of the proposed regulations permits suspension or termination of an actuary's enrollment if it is found that he/she did not satisfy the eligibility requirements in effect at the time of application. Individuals who applied before January 1, 1976 must have satisfied the requirements contained in 20 CFR 901.12. Those requirements include experience and successful completion of proctored societal examinations, a Joint Board examination, or qualifying formal education. An additional requirement for enrollment is that an applicant not have engaged in certain categories of disreputable conduct. Such disreputable conduct includes conduct evidencing fraud, dishonesty or breach of trust; conviction of an offense referred to in Section 411 of ERISA; and the knowing submission of false or misleading information on an application for enrollment or a report presenting actuarial information. Individuals who apply for enrollment on or after January 1, 1976 must satisfy the requirements for enrollment contained in 20 CFR 901.13. Those requirements in-

clude experience, and demonstration of knowledge of basic actuarial mathematics and pension actuarial matters. The disreputable conduct for which an individual who applies on or after January 1, 1976 can be denied enrollment is specified by 20 CFR 901.13(e).

Section 901.31(b) provides that an enrolled actuary's failure to discharge his/her duties under ERISA, which include those enumerated in 20 CFR 901.20 (42 FR 39204), may also constitute grounds for suspension or termination of enrollment. Some of the duties in 20 CFR 901.20 are derived from Sections 102(a)(4), 103(d) and 1033(a) of ERISA, which specify duties of enrolled actuaries.

Finally, Section 901.31(c) permits suspension or termination of enrollment if, after applying for enrollment, an individual has engaged in conduct specified in Section 901.13(e)(1), or other conduct evidencing fraud, dishonesty or breach of trust. The conduct specified in Section 901.13(e)(1) includes certain adjudications or determinations that the actuary has engaged in conduct evidencing fraud, dishonesty or breach of trust; participation in any way in knowingly giving false or misleading information to Treasury, Labor, or the Pension Benefit Guaranty Corporation; commission of specified tax offenses; attempting, offering or agreeing to attempt to exert improper influence on the official action of a Treasury, Labor, or Pension Benefit Guaranty Corporation employee; disbarment or suspension from the practice of certain professions; and contemptuous conduct in connection with a matter before Treasury, Labor, or the Pension Benefit Guaranty Corporation. The other conduct for which enrollment may be suspended or terminated is specified in proposed Section 901.31(c)(1)-(5). Although section 3042(b) of ERISA is not clear as to the precise scope of the conduct for which enrollment may be suspended or terminated, the Joint Board believes that the proposed rule reflects Congressional intent as shown by the legislative history of ERISA, i.e., that actuaries' duties were to be similar to those required for attorneys, certified public accountants and enrolled agents who practice before the Internal Revenue Service. S. Rep. No. 383, 93d Cong., 68 (1973); H. Rep. No. 807, 93d Cong., 93 (1974). (The duties imposed on those who practice before the Internal Revenue Service appear in 31 CFR Part 10.)

DISCIPLINARY PROCEDURES

Other than the requirement in Section 3042(b) for notice and an opportunity for a hearing, ERISA itself does not mandate pursuit of any particular procedures in suspending or terminating an actuary's enrollment. However, the legislative history is again instruc-

tive. The Report of the Ways and Means Committee of the House on H.R. 12855, H. Rep. 807 93d Cong., 94 (1974) states:

Your committee intends that proceedings brought against enrolled actuaries will be instituted in the same general manner as proceedings against others practicing before the Service and will follow the same general procedure as other disciplinary proceedings. Generally disciplinary proceedings would involve a complaint served on the actuary, an opportunity to answer, and an evidentiary hearing before a hearing examiner who would render a decision. * * *

Each of the procedural elements referred to in H. Rep. No. 83-807 has been incorporated in these proposed regulations (except for appeal to the Secretary of the Treasury which would have been inappropriate under ERISA as enacted). The procedures proposed are modeled after those in 31 CFR Part 10. Under Section 901.33, the Executive Director initiates a proceeding for the suspension or termination of an actuary's enrollment when there is reason to believe that such actuary has violated any provision of the laws or regulations governing enrollment. It is intended that a disciplinary action will not be instituted capriciously. Sections 901.50 and 901.51 provide that either the Executive Director or the respondent may appeal an administrative law judge's decision to the joint board. These procedures parallel those employed in cases of attorneys, certified public accountants and enrolled agents whose eligibility to practice before the Internal Revenue Service is called into question because of alleged disreputable conduct. See 31 CFR 10.54, 10.71 and 10.72.

STANDARDS OF CONDUCT

In order to carry out the Congressional intent (See S. Rep. No. 93-383, 93d Cong., 68 (1973)), a standard of performance of actuarial service has been proposed requiring an enrolled actuary to notify the appropriate office when he/she discovers that a required statement signed by the enrolled actuary has not been filed.

In consideration of the foregoing, it is proposed to amend 20 CFR Part 901 as set forth below.

Dated: February 9, 1978.

ROWLAND E. CROSS,
Chairman, Joint Board
for the Enrollment of Actuaries.

Approved:
RAY MARSHALL,
Secretary of Labor.
WM. BLUMENTHAL,
Secretary of Treasury.

§ 901.13 [Amended]

1. By amending § 901.13(e)(ii), (iv), and (vi) by adding, "or the Pension Benefit Guaranty Corporation" following the words "the Department of Labor," in each of those provisions.

2. By amending § 901.20 by adding the following paragraph:

§ 901.20 Standards for performance of actuarial services.

(h) *Notification.* An enrolled actuary shall provide written notification of the non-filing of any actuarial document he/she has signed upon discovery of the non-filing. Such notification shall be made to the office of the Internal Revenue Service, the Department of Labor, or the Pension Benefit Guaranty Corporation where such document should have been filed.

3. By adding new Subparts D and E as follows:

Amend the table of contents to read as follows:

Subpart D—Suspension or Termination of Enrollment	
Sec.	
901.30	Authority to suspend or terminate enrollment.
901.31	Grounds for suspension or termination of enrollment.
901.32	Receipt of information concerning enrolled actuaries.
901.33	Initiation of proceeding.
901.34	Conferences.
901.35	Contents of complaint.
901.36	Service of complaint and other papers.
901.37	Answer.
901.38	Supplemental charges.
901.39	Reply to answer.
901.40	Proof; variance; amendment of pleadings.
901.41	Motions and requests.
901.42	Representation.
901.43	Administrative Law Judge.
901.44	Hearings.
901.45	Evidence.
901.46	Depositions.
901.47	Transcript.
901.48	Proposed findings and conclusions.
901.49	Decision of the Administrative Law Judge.
901.50	Appeal to the Joint Board.
901.51	Decision of the Joint Board.
901.52	Effect of suspension or termination of enrollment, surrender of enrollment certificate.
901.53	Notice of suspension or termination of enrollment.
901.54	Petition for Reinstatement.

Subpart E—General Provisions

901.70	Records.
901.71	Special orders.

AUTHORITY: Sec. 3042(b), ERISA, Title 29 U.S. Code, Sec. 1242(b).

Subpart D—Suspension or Termination of Enrollment

§ 901.30 Authority to suspend or terminate enrollment.

Under Section 3042(b) of ERISA the Joint Board may, after notice and op-

portunity for a hearing, suspend or terminate the enrollment of an enrolled actuary if the Joint Board finds that such enrolled actuary

(a) has failed to discharge his/her duties under ERISA, or

(b) does not satisfy the requirements for enrollment in effect at the time of his/her enrollment.

§ 901.31 Grounds for suspension or termination of enrollment.

(a) *Failure to satisfy requirements for enrollment.* The enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in §§ 901.12 or 901.13, whichever is applicable.

(b) *Failure to discharge duties.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary, following enrollment, failed to discharge his/her duties under ERISA. Such duties include those set forth in § 901.20.

(c) *Disreputable conduct.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary has, at any time after he/she applied for enrollment, engaged in any conduct set forth in § 901.13(e)(1) or other conduct evidencing fraud, dishonesty, or breach of trust. Such other conduct includes, but is not limited to, the following:

(1) Conviction of any criminal offense under the laws of the United States, (including Section 411 of ERISA, 29 U.S.C. 1111), any State thereof, the District of Columbia, or any territory or possession of the United States, which evidences fraud, dishonesty, or breach of trust.

(2) Filing false or altered documents, affidavits, financial statements or other papers on matters relating to employee benefit plans or actuarial services.

(3) Knowingly making false or misleading representations, either orally or in writing, on matters relating to employee benefit plans or actuarial services, or failure to disclose information relative thereto.

(4) The use of false or misleading representations with intent to deceive a client or prospective client, or of intimations that the actuary is able to obtain special consideration or action from an officer or employee of any agency or court authorized to determine the validity of pension plans under ERISA.

(5) Willful violation of any of the regulations contained in this part.

§ 901.32 Receipt of information concerning enrolled actuaries.

If an officer or employee of the Department of the Treasury, the Department

of Labor, the Pension Benefit Guaranty Corporation, or a member of the Joint Board has reason to believe that an enrolled actuary has violated any provision of this part, or if any such officer, employee or member receives information to that effect, he/she may make a written report thereof, which report or a copy thereof shall be forwarded to the Executive Director. If any other person has information of any such violation, he/she may make a report thereof to the Executive Director or to any officer or employee of the Department of the Treasury, the Department of Labor, or to the Pension Benefit Guaranty Corporation.

§ 901.33 Initiation of proceeding.

Whenever the Executive Director has reason to believe that an enrolled actuary has violated any provision of the laws or regulations governing enrollment, such individual may be reprimanded or a proceeding may be initiated for the suspension or termination of such individual's enrollment. A reprimand as used in this paragraph is a statement informing the enrolled actuary that, in the opinion of the Executive Director, his/her conduct is in violation of the regulations and admonishing the enrolled actuary that repetition of the conduct occasioning the reprimand may result in the institution of a proceeding for the suspension or termination of the actuary's enrollment. A proceeding for suspension or termination of enrollment shall be initiated by a complaint naming the respondent actuary, signed by the Executive Director and filed in the Executive Director's office. Except in cases where the nature of the proceeding or the public interest does not permit, a proceeding will not be initiated under this section until the facts which may warrant such a proceeding have been called to the attention of the actuary in writing and he/she has been given an opportunity to respond to the allegations of misconduct.

§ 901.34 Conferences.

(a) *In general.* The Executive Director may confer with an enrolled actuary concerning allegations of his/her misconduct whether or not a proceeding for suspension or termination has been initiated against him/her. If the conference results in agreement as to certain facts or other matters in connection with such a proceeding, such agreement may be entered in the record at the request of the actuary or the Executive Director.

(b) *Voluntary suspension or termination of enrollment.* An enrolled actuary, in order to avoid the initiation or conclusion of a suspension or termination

proceeding, may offer his/her consent to suspension or termination of enrollment or may offer his/her resignation. The Executive Director may accept the offered resignation or may suspend or terminate enrollment in accordance with the consent offered.

§ 901.35 Contents of complaint.

(a) *Charges.* A complaint initiating a suspension or termination proceeding shall describe the allegations which are the basis for the proceeding, and fairly inform the respondent of the charges against him/her.

(b) *Answer.* In the complaint, or in a separate paper attached to the complaint, notice shall be given of the place at, and time within which the respondent shall file an answer, which time shall not be less than 15 days from the date of service of the complaint. Notice shall be given that a decision by default may be rendered against the respondent if an answer is not filed as required.

§ 901.36 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided, by delivering it to the respondent, or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, the attorney or agent, or in any other manner which may have been agreed to in writing by the respondent. Where the service is by certified mail, the return post office receipt signed by or on behalf of the respondent shall be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to the respondent at the last address known to the Executive Director. If service is made upon the respondent or his/her attorney or agent in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Executive Director or by mailing the paper by first-class mail to the respondent's attorney or agent. Such mailing shall constitute complete service. Notices

may also be served upon the respondent or his/her attorney or agent by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a suspension or termination proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Executive Director of the Joint Board for the Enrollment of Actuaries, Treasury Department, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 901.37 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of initiation of the proceeding, unless, on application, the time is extended by the Executive Director or the Administrative Law Judge. The answer shall be filed in duplicate with the Executive Director.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact the respondent possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proven, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Executive Director or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make a decision by default, without a hearing or further procedure.

§ 901.38 Supplemental charges.

If it appears to the Executive Director that the respondent in his/her answer falsely and in bad faith denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief when he/she in fact possesses such knowledge, or if it appears that the respondent has knowingly introduced false testimony during proceedings for suspension or termination of his/her enrollment, the Executive Director may file supplemental charges against the respondent. Such

supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 901.39 Reply to answer.

No reply to the respondent's answer shall be required, but the Executive Director may file a reply at his/her discretion or at the request of the Administrative Law Judge.

§ 901.40 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence, provided that the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended. The Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 901.41 Motions and requests.

Motions and requests may be filed with the Executive Director or with the Administrative Law Judge.

§ 901.42 Representation.

A respondent or proposed respondent may appear at conference or hearing in person or may be represented by counsel or other representative. The Executive Director may be represented by an attorney or other employee of the Treasury Department.

§ 901.43 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by section 11 of the Administrative Procedure Act, 60 Stat. 244 (5 U.S.C. 3105), shall conduct proceedings upon complaints for the suspension or termination of enrolled actuaries.

(b) *Powers of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any suspension or termination proceeding of an enrolled actuary, to do the following:

- (1) Administer oaths and affirmations;
- (2) Make rulings upon motions and requests, which may not be appealed before the close of a hearing except at the discretion of the Administrative Law Judge;
- (3) Determine the time and place of hearing and regulate its course of conduct;
- (4) Adopt rules of procedure and modify the same as required for the orderly disposition of proceedings;
- (5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 901.44 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension or termination of an enrolled actuary. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to Section 7 of the Administrative Procedure Act, 60 Stat. 241 (5 U.S.C. 556).

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to the parties, the Administrative Law Judge may make a decision against the absent party by default.

§ 901.45 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension or the termination of the enrollment of enrolled actuaries. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to § 901.46 may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint Board for the Enrollment of Actuaries or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries shall be admissible into evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested to or identified by an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint Board for the Enrollment of Actuaries, or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries, as the case may be.

(d) *Exhibits.* If any document, record, or other paper is introduced into evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject

to any conditions which he/she deems proper.

(e) **Objections.** Objections to evidence shall state the grounds relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 901.46 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Executive Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed upon by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and the copies of any written cross-interrogatories shall be mailed or delivered to the opposing party at least five days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 901.47 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits intro-

duced at the hearing or at the taking of depositions will be supplied to parties upon the payment of a reasonable fee (31 U.S.C. 483a).

§ 901.48 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge, before making his/her decision, shall give the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 901.49 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision should be based solely upon the pleading, the testimony and exhibits received in evidence at the hearing or specifically authorized to be subsequently submitted under the applicable laws and regulations. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record, and (b) an order of suspension, termination or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Executive Director and shall transmit a copy thereof to the respondent or his/her attorney or agent of record. In the absence of an appeal to the Joint Board or review of the decision upon motion of the Joint Board, the decision of the Administrative Law Judge shall without further proceedings become the decision of the Joint Board 30 days from the date of the Administrative Law Judge's decision.

§ 901.50 Appeal to the Joint Board.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Joint Board for the Enrollment of Actuaries. The appeal shall be filed with the Executive Director in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Executive Director, a copy thereof shall be transmitted to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Executive Director. If the reply brief is filed by the Executive Director, a copy of it shall be transmitted to the respondent. Upon the filing of an appeal and a reply brief, if any, the Executive Director

shall transmit the entire record to the joint board.

§ 901.51 Decision of the Joint Board.

On appeal from or review of the initial decision of the Administrative Law Judge, the Joint Board for the Enrollment of Actuaries will make the final decision. In making its decision the Joint Board will review the record of such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Joint Board's decision shall be transmitted to the respondent by the Executive Director.

§ 901.52 Effect of suspension, termination or resignation of enrollment; surrender of enrollment certificate.

If the respondent's enrollment is suspended, the respondent shall not thereafter be permitted to perform actuarial services under ERISA during the period of suspension. If the respondent's enrollment is terminated, the respondent shall not thereafter be permitted to perform actuarial services under ERISA unless and until authorized to do so by the Executive Director pursuant to § 901.54. The respondent shall surrender his/her enrollment certificate to the Executive Director for cancellation in the case of a termination or resignation of enrollment or for retention during a period of suspension.

§ 901.53 Notice of suspension, termination or resignation of enrollment.

Upon the resignation or the issuance of a final order suspending or terminating the enrollment of an actuary, the Executive Director shall give notice thereof to appropriate officers and employees of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, and to other interested departments and agencies of the Federal Government.

§ 901.54 Petition for reinstatement.

Any individual whose enrollment has been terminated may petition the Executive Director for reinstatement after the expiration of five years following such termination. Reinstatement may not be granted unless the Executive Director, with the approval of the Joint Board, is satisfied that the petitioner is not likely to conduct himself/herself thereafter contrary to the regulations in this part, and that granting such reinstatement would not be contrary to the public interest.

Subpart E—General Provisions

§ 901.70 Records

(a) **Availability.** There are made available for public inspection at the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries a roster of all persons enrolled

to perform actuarial services under ERISA and a roster of all persons whose enrollments to perform such services have been suspended or terminated. Other records may be disclosed upon specific request, in accordance with the applicable disclosure and privacy statutes.

(b) *Disciplinary procedures.* A request by an enrolled actuary that a hearing in a disciplinary proceeding concerning him/her be public, and that the record thereof be made available for inspection by interested persons may be granted if written agreement is reached in advance to protect from disclosure tax information which is confidential, in accordance with applicable statutes and regulations.

§ 901.71 Special orders.

The Joint Board reserves the power to issue such special orders as it may deem proper in any case within the purview of this part.

4. By deleting § 901.40 as follows:

§ 901.40 [Deleted]

[FR Doc. 78-4112 Filed 2-14-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 888]

[Docket No. R-78-505]

FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

Guam Market Area

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add Fair Market Rents for semi-detached/row dwelling units to the schedule of Fair Market Rents for the Guam market area. The U.S. Housing Act of 1937 requires that Fair Market Rents be published in the FEDERAL REGISTER for public comment before they can become effective.

DATE: Interested parties are invited to submit written comments, data suggestions, or objections by March 2, 1978.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6703.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Ap-

praiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-472-4810.

SUPPLEMENTARY INFORMATION: Recent data and comments have been received from the Honolulu Area Office indicating an immediate need to publish Fair Market Rents for semi-detached/row dwelling units for the Guam market area. It has been determined that it is impracticable and unnecessary to provide a 30-day period for comments on these proposed revisions and that a 15-day period is reasonable and in the public interest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, the Secretary proposes to incorporate in Part 888, Subpart A, a revised Schedule A for the Guam market area as set forth below.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C. on January 30, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

AREA ☐ OFFICE HONOLULU, HAWAII REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GUAM	DETACHED	---	---	444	515	556
	SEMI-DETACHED/ROW	---	364	403	474	515
	WALKUP	234	293	381	446	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

AREA OFFICE HONOLULU, HAWAII REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

[FR Doc. 78-4150 Filed 2-14-78; 8:45 am]

[4210-01]

[24 CFR Part 888]

[Docket No. R-78-504]

**FAIR MARKET RENTS FOR NEW
CONSTRUCTION AND SUBSTANTIAL
REHABILITATION**

Newark, Asbury Park, North Bergen, and
Freehold, N.J., Market Areas

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the schedules of fair market rents for Newark, Asbury Park, North Bergen, and Freehold, N.J. market areas. The U.S. Housing Act of 1937 requires that Fair Market Rents be published in the FEDERAL REGISTER for public comment before they can become effective.

DATE: Interested parties are invited to submit written comments, data suggestions, or objections by March 2, 1978.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-7603.

**FOR FURTHER INFORMATION
CONTACT:**

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-472-4810.

SUPPLEMENTARY INFORMATION: Recent data and comments have been received from the Newark Area Office indicating an immediate need to amend the fair market rents for the Newark, Asbury Park, North Bergen, and Freehold, N.J., market areas. It has been determined that it is impracticable and unnecessary to provide a 30-day period for comments on these proposed revisions and that a 15-day period is reasonable and in the public interest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, the Secretary proposes to incorporate in Part 888, Subpart A, revised Schedules A for the Newark, Asbury Park, North Bergen, and Freehold, N.J., market areas as set forth below.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C. on February 2, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

**SCHEDULE A—FAIR MARKET RENTS FOR NEW
CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND
DEVELOPMENT AGENCIES PROGRAM)**

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-bedroom units of the same type.

AREA OFFICE NEWARK, N. J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4	5	6
NEWARK	DETACHED	---	---	595	694	732	781	832
	SEMI-DETACHED/ROW	---	402	491	580	632	678	726
	WALKUP	348	378	464	550	598	657	718
	ELEVATOR-2-4 Sty 5 + Sty	437	476	606	---	---	---	---
ASBURY PARK	DETACHED	---	427	536	647	660	709	760
	SEMI-DETACHED/ROW	346	385	465	552	611	657	705
	WALKUP	319	359	437	522	579	638	699
	ELEVATOR-2-4 Sty 5 + Sty	398	457	565	---	---	---	---
NORTH BERGEN	DETACHED	---	---	600	705	738	787	838
	SEMI-DETACHED/ROW	---	429	545	622	676	722	770
	WALKUP	352	395	509	595	636	695	756
	ELEVATOR-2-4 Sty 5 + Sty	444	506	665	---	---	---	---

AREA OFFICE NEWARK, N. J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4	5	6
FREEHOLD	DETACHED	---	427	564	675	688	737	788
	SEMI-DETACHED/ROW	346	385	493	580	639	685	733
	WALKUP	319	359	465	550	607	666	727
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	---	---
		398	457	591	---	---	---	---

[FR Doc. 78-4149 Filed 2-14-78; 8:45 am]

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURES

Guidance on Permitting Artificial Fishing Reefs

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps of Engineers proposes to establish guidelines to be used by district engineers in connection with the review of permit applications for artificial fishing reefs. The proposed guidance places particular emphasis on the safety of navigation to assure the continued effectiveness of the program.

DATE: Written comments must be received on or before 15 March 1978.

ADDRESS: Please send comments to: Office of the Chief of Engineers, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202-693-5070.

SUPPLEMENTARY INFORMATION: In very general terms, artificial fishing reefs are clusters of manmade or natural materials intentionally placed in selected areas of U.S. coastal waters, rivers and lakes to duplicate natural reefs and to produce increases in both numbers and availability of finfish and shellfish.

Pursuant to section 10 of the River and Harbor Act of 1899, Department of the Army permits are required for structures or work in or over the navigable waters of the United States and territorial seas. On 19 July 1977, the Secretary of the Army (acting through the Chief of Engineers) promulgated regulations in 33 CFR Parts 320 through 329 governing the regulatory program of the Corps of Engineers.

The proposed guidelines are intended for use by the district engineers in evaluating applications for permits for artificial fishing reefs as a means to insure uniformity nationwide. The guidelines are in addition to the requirements of 33 CFR 320-329 and will in no way contravene the require-

ments of those regulations. We are considering the following guidelines for artificial reef permit applications in the Administrative Procedures section of 33 CFR:

§ 209.210 Guidelines for evaluating artificial fishing reef permit applications.

(a) In addition to the requirements of 33 CFR Parts 320-329 which establishes the regulatory program of the Corps of Engineers, the following guidelines shall be followed by the district engineers when evaluating applications for artificial fishing reefs.

(1) No artificial reefs will be authorized within the limits of the following areas: (i) Natural or improved channels in general use by navigation.

(ii) Safety fairways/traffic separation schemes.

(iii) Anchorages or pilot stations.

(iv) Adjacent to or in close proximity to the above areas if the district engineer determines the proposed reef to be a hazard to navigation.

(2) The depth of water over an artificial reef shall not be less than 50 feet below mean low water where depths in the area generally exceed this depth. The district engineer may extend this requirement to include provisions for increasing the clearance over reefs authorized in natural depths exceeding 100 feet below MLW.

(3) No artificial reefs will be authorized by the Corps if their establishment would be inimical to the national interest and the welfare of the general public as determined after consultation with the U.S. Navy, the U.S. Coast Guard and approval by the Environmental Protection Agency.

(4) Permits for the construction of artificial reefs shall include the condition that the reef shall be marked as required by the U.S. Coast Guard with costs of installation and maintenance to be borne by the permittee.

(5) Permits for the construction of reefs shall include conditions to assure that reefs are placed within permitted coordinates and sufficient notice in advance of construction to allow Federal/State monitoring and inspection.

NOTE.—The Corps of Engineers has determined that this document does not contain

a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(33 U.S.C. 403)

Dated: February 1, 1978.

C. A. SELLECK, Jr.
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 78-4139 Filed 2-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-49; RM-2921]

FM BROADCAST STATION BOCA CHICA KEY, FLA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes the assignment of Channel 228A to Boca Chica Key, Fla., as its first FM channel assignment. Comments are requested on the extent of business and civic activity there to determine whether it can be recognized as a community. Also the issue of whether the proposal is designed to serve nearby Key West, Florida, is to be discussed in comments.

DATES: Comments must be filed on or before April 7, 1978, and reply comments on or before April 27, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations, (Boca Chica Key, Fla.), BC Docket No. 78-49 RM-2921.

Adopted: February 6, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner and Proposal.* (a) Petition for rulemaking, submitted by John T. Galanes and Wayne R. Siefert, requesting the assignment of Channel 228A to Boca Chica Key, Fla., as its first FM channel. The channel could be assigned in full compliance with the minimum distance separation requirements.

*Public Notice of the filing of the petition was given July 18, 1977 (Report No. 1064).

*Galanes is identified as the Vice President and General Manager of Station WGFT(AM), Youngstown, Ohio. Siefert is listed in *Broadcasting Yearbook* as Program Director of that station and is also Administrative Assistant to Galanes.

(b) An opposition was filed by Florida Keys Broadcasting Corporation, licensee of Stations WKIZ(AM) and WFYN-FM, Key West, Florida.

(c) Petitioners filed a reply and an addendum.

2. *Community Data.* (a) *Location:* Boca Chica Key is one of the islands in the Lower Keys Division of Monroe County, located in the southernmost portion of Florida, approximately 8 kilometers (5 miles) northeast of Key West.

(b) *Population:* Boca Chica Key (pop. 2,817),² Lower Keys Division (pop. 10,352), Monroe County (pop. 52,586).

(c) *Local Broadcast Services:* Boca Chica Key has no local aural service. It receives service from Key West Stations WKIZ(AM), WKWF(AM) and WFYN-FM (Channel 223). Stations authorized on two other FM channels assigned to Key West are not yet in operation—Station WVKF (Channel 238) and Station WIIS (Channel 296A).

3. *Preclusive Impact:* Preclusion would occur on the co-channel affecting only two communities with populations over 1,000, Key West (pop. 29,312) and Marathon (pop. 4,397). Key West, as noted above, has three FM assignments while Marathon has one FM station.

4. *Additional Considerations:* Florida Keys raises two issues in its opposition which we believe requires some discussion. First it argues that there is insufficient business activity and local support for an FM assignment at Boca Chica Key, and therefore, by necessity, such a station will primarily serve the larger community of Key West. As such, it urges the proposal be denied since Key West already has three FM channel assignments, a number already in excess of the Commission's population guidelines which set a limit of 1 to 2 FM channels for communities with less than 50,000 population. Secondly, it is alleged by Florida Keys that Boca Chica Key lacks the characteristics of a community which would qualify it for an FM channel assignment. In this regard it notes that the Key West Naval Air Station occupies most of Boca Chica Key and that electrical service is provided to only 195 residences and 5 business customers besides the air station. It asserts that most of the military personnel stationed there reside at Key West reducing the population of Boca Chica Key to less than 1,000 persons. Finally it states that the prospect of future growth is unlikely due to the naval air station occupancy and to unspecified environmental and ecological considerations. Florida Keys asserts that these latter concerns have prompted the

state to prohibit further development in low areas throughout the Keys.⁴

5. Petitioners respond that Florida Keys' argument that Boca Chica Key lacks community status is erroneous since the U.S. Census figures take into account military personnel actually residing at Boca Chica Key and that the number of electrical connections referred to does not give a true picture of the extent of such service. Moreover, petitioners note that the Commission has recognized that military installations have needs which warrant broadcasting service.⁵ Petitioners also disagree that future development is restricted, contending that there are many undeveloped areas in the Lower Keys Division near Boca Chica Key which are unaffected by environmental restrictions. Regarding community status, petitioners assert that incorporation is not necessary and that provision of certain basic services by the county is irrelevant. Regarding the contention that the assignment could become a Key West Station, petitioners point out that § 73.203 of the Commission's Rules would prohibit such licensing and the Commission would require that the station serve Boca Chica Key.

6. *Community Status:* The evidence submitted so far is sketchy and inconclusive on the issue of community status. Interested parties should be advised that data on this matter should be submitted and include information concerning community or civic organizations such as the Chamber of Commerce, businesses, local newspapers, shopping centers, post offices, utility services, schools, and views of residents and prominent citizens as to Boca Chica Key's status. In short, the data should show that the residents have common interests which are manifested by local concerns or organizations. See North Naples and Immokalee, Fla., 42 FR 63887, released December 21, 1977. We do recognize that the U.S. Census lists Boca Chica Key as a distinct entity but this factor is of limited value for our purposes. Although petitioner is correct in noting that the Commission has previously held that military installations can be treated as a community for the purposes of station licensing, it has not explained how this has any clear relevance here, since its proposal is not one of the military reservation itself.

7. *Service to Boca Chica Key:* We, of course, would expect a station authorized to Boca Chica Key to actually

⁴Florida Keys also argues that the proposal would have an economic impact that would impair the overall service now rendered to the public by other stations in the area. However, this so-called Carroll issue is not appropriate for discussion at the rule-making stage.

⁵Citing cases involving Fort Campbell, Ky., and Ft. Leonard Wood, Mo.

serve that community, if this proposal were adopted. Regarding this matter, we would not assign a channel to Boca Chica Key if we did not first satisfy ourselves that it has needs to be served which differ from those of the larger city of Key West. Thus, interested parties should show the nature of those needs and the extent to which they are separate and distinct from those of Key West. To help clarify this point, petitioners (or any other proponent) should indicate their proposed transmitter location and the area this station would serve.

8. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the city below as follows:

City and channel No.

Boca Chica Key, Fla., present —, proposed, 228A.

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the material set forth below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 7, 1978, and reply comments on or before April 27, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be consid-

²Population data is taken from the 1970 U.S. Census, as corrected.

ered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[PR Doc. 78-4143 Filed 2-14-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-47; RM-2995]

FM BROADCAST STATION IN LEROY, ILL.

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to LeRoy, Ill., as that community's first FM assignment. Petitioner,

Sono Mag Corp., states the proposed channel could provide a first local aural broadcast service to LeRoy.

DATES: Comments must be received on or before March 31, 1978, and reply comments on or before April 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (LeRoy, Ill.), BC Docket No. 78-47 RM-2995.

Adopted: February 3, 1978.

Released: February 10, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:* (a) Petition for rulemaking,¹ filed November 3, 1977, by Sono Mag Corp. ("petitioner"), proposing the assignment of Channel 224A to LeRoy, Ill., as a first FM assignment to that community. No responses were made to the proposal.

(b) The channel can be assigned in conformity with the minimum distance separation requirements if the transmitter site is located 4.8 kilometers (3 miles) north northeast of the community.

(c) Petitioner states it will promptly apply for a construction permit to utilize the channel, if assigned.

2. *Community Data:* (a) *Location:* LeRoy, in McLean County, is located approximately 217 kilometers (135 miles) south of Chicago, and 24 kilometers (15 miles) southeast of Bloomington, Ill.

(b) *Population:* LeRoy—2,435; McLean County—104,389.²

(c) *Local Broadcast Service:* There is no local aural broadcast service in LeRoy, but LeRoy is served by a weekly newspaper.

3. *Economic Data:* Petitioner states that LeRoy is governed by a mayor-council form of government. We are told that the surrounding rural area is agricultural with the farming industry contributing heavily to the overall income of McLean County. It adds that the community relies on some manufacturing as well as retail trade and services, the largest manufacturer being Permabilt of Illinois which manufactures custom built homes. In support of its petition, petitioner has submitted information with respect to education, transportation, churches, medical and recreational facilities, and civic organizations.

¹Public Notice of the petition was given on November 29, 1977 (Report No. 1091).

²Population figures are taken from the 1970 U.S. Census.

4. In view of the apparent need for a first local aural broadcast service in LeRoy, Illinois, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City and channel No.

LeRoy, Ill.; Present: —; Proposed: 224A.

5. Authority to institute rulemaking proceedings, showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein. Note: A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

6. Interested parties may file comments on or before March 31, 1978, and reply comments on or before April 20, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-4144 Filed 2-14-78; 8:45 am]

[47 CFR Part 73]

[BC Docket No. 78-46; RM-2904]

TELEVISION BROADCAST STATIONS IN HATCH AND SILVER CITY, NEW MEXICO

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to reassign educational TV Channel *12 from Hatch, New Mexico, to Silver City, New Mexico. In addition, the current reservation for noncommercial educational use of Channel *10 at Silver City, would be deleted to reflect its present use as a commercial television translator station.

DATES: Comments must be filed on or before March 31, 1978, and reply comments on or before April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of assignments, television broadcast stations. (Hatch and Silver City, N. Mex.), BC Docket No. 78-46 RM-2904.

Adopted: February 3, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration a petition from Hubbard Broadcasting, Inc., to remove the non-commercial educational TV reservation from Channel *10 on which it operates TV translator Station K10KF (Channel *10), Silver City, N. Mex.¹ The petition also requests the reassignment of TV Channel *12 from Hatch, N. Mex. to Silver City, to make a channel available for a noncommercial educational translator station. Also, in this connection, we received a copy of a letter from the Governor's Commission on Public Broadcasting for the State of New Mexico. No other comments have been submitted.

2. Silver City (pop. 8,557)², the seat of Grant County (pop. 22,030), is located in southwest New Mexico approximately 70 kilometers (44 miles) east of the Arizona border. There are two VHF TV channels assigned to Silver City—Channel 6 and Channel *10, both of which are used for 100 watt commercial translator stations. Hatch, N. Mex. (pop. 867), is located in Dona Ana County (pop. 69,773) approximately 105 kilometers (65 miles) east of Silver City. Hatch has no local TV service. Virtually all of Dona Ana County, including Hatch, receives non-commercial educational service from Station KRWG-TV, Channel *22, Las Cruces, N. Mex., licensed to New Mexico State University.

3. Petitioner states that its translator station is permitted to operate on Channel *10 only as long as no other TV service (commercial or noncommercial educational) is proposed for the channel. Since a state agency is attempting to establish a noncommercial station in Silver City, petitioner requests that Channel *12 be reassigned there and made available for that purpose.³ Petitioner believes that by reassigning Channel *12 to Silver City, the Commission will make possible the use of an assignment which would otherwise lie fallow. In addition, by deleting the reservation on Channel *10, the present translator use can remain intact at least for the present. In a letter to the Commission, the Governor's

¹ Station K10KF retransmits the programming of its own TV Station KOB-TV, Channel 14, Albuquerque, N. Mex.

² All population data are taken from the 1970 U.S. Census.

³ Petitioner notes that Channel 12 was originally assigned to Silver City but in 1962, in response to a request by the State Board of Education, the channel was reserved and reassigned to Hatch. However, that assignment was never activated at Hatch. Instead, the State's plans were revised and the Las Cruces station was utilized, starting in 1973, for noncommercial educational programming for this area of southwestern New Mexico.

nor's Commission on Public Broadcasting states that it supports the petition and intends to, according to its revised plans, activate a noncommercial educational translator station on Channel *12 if reassigned to Silver City.

4. With the above facts in mind, we believe that the reassignment of Channel *12 should be pursued in a rulemaking proceeding. The Governor's Commission has stated that it has no plans for a station at Hatch, which we note is already provided non-commercial educational service by the Las Cruces station. The proposed educational translator usage at Silver City would extend this service in the southwestern portion of the state. As for the deletion of the reservation for Channel *10 at Silver City, we find that it would be appropriate to explore this proposal to reflect the channel's present commercial usage.

5. The proposal meets all minimum spacing requirements and no site restrictions would have to be placed. Mexican concurrence of the proposal will have to be obtained since the communities are located within 320 kilometers (199 miles) of the Mexican border.

6. Accordingly, it is proposed, That the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, be amended for the cities listed below:

City and Channel No.

Hatch, N. Mex.: Present: *12; Proposed: —. Silver City, N. Mex.: Present: 6, *10+; Proposed: 6, 10+, *12.

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained below and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before March 31, 1978, and reply comments on or before April 20, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached.

Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 78-4145 Filed 2-14-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[BMCS Docket No. MC-58-1; Notice 78-3]

PARTS AND ACCESSORIES NECESSARY FOR SAFETY OPERATION

Step, Handhold, and Deck Requirements on Commercial Motor Vehicles

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Public comments are sought on a proposal to amend the Federal Motor Carrier Safety Regulations applicable to motor vehicles manufactured after January 1, 1981, to require (1) step, deck, and handhold requirements on high profile cab-over-engine (COE) type tractors; (2) step, handhold, and deck requirements on the rear of all other truck tractors; and (3) step, and handhold requirements on the front of trucks as well as all truck tractors. Slips and falls are a substantial problem in the motor carrier industry. The proposal to afford the driver and other personnel with three points of contact on high profile COE truck tractors will serve to provide increased stability and safety. The requirements regarding front and rear access will also provide safe working surfaces in other critical areas.

DATE: Comments must be received on or before May 16, 1978.

ADDRESS: Submit comments (original and 2 copies) to: BMCS Docket No. MC-58-1; Notice No. 78-3, Room 3402, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, 202-426-9767; Principal Lawyer, Attorney, Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of Chief Counsel, 202-426-0834; Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This Notice of Proposed Rulemaking proposes to issue specific requirements for steps, handholds, and deck plating to afford individuals increased stability and safety while entering and exiting the cab and while performing work-related duties on other areas of the vehicle. The requirements for the

high profile COE truck tractors basically set forth details as to the number, location, size and type of steps and handholds to allow a person to have three limbs on the system at all times, including transition between intermediate positions.

The criteria for this proposal is based on the "Recommended Practice 404" developed by the Cab and Driver Study Group of the ATA Regular Common Carrier Conference Maintenance Committee, as well as other prior recommended designs.

NEED FOR IMPROVEMENT

As far back as 1966 and 1967 the high percentage of workmen's compensation cases, attributed to getting in and out of the cab, attracted attention. A study issued in 1967 by Liberty Mutual Insurance Company of Boston, Massachusetts, indicated that falls from tractors amounted to 25.3 percent, 22.2 percent and 16.0 percent of total human on-job injuries for three large motor carriers. Although driver trainers were spending a considerable amount of time training new drivers on proper mounting and dismounting techniques, efforts were not entirely successful because of the poor design of most step and grab-handles, especially on COE models. Information supplied to the Department of Transportation by several motor carriers showed that, slips and falls accounted for 20 percent of all injuries sustained by drivers. In a separate study done by the Transportation Safety Association of Ontario, Canada, it was reported that slips and falls in and around motor vehicles accounted for 40 percent of the total of all types of slip and fall accidents in their association. It was also reported that there was evidence that particular troublesome problems occurred, and were most severe, in the case of trailers and semi-trailers used to haul automobiles and in tank vehicles.

ADVANCE NOTICE OF PROPOSED RULEMAKING

As a result of evidence reported, an Advance Notice of Proposed Rulemaking was issued on May 21, 1974, with the purpose of soliciting comments on whether nonslip surfaces and handholds should be made mandatory on equipment operated in interstate or foreign commerce.

The majority of comments indicated that further proof was needed that slips and falls were occurring frequently enough to warrant a regulation. In an effort to be responsive to these comments, further accident information was sought before developing a mandatory regulation. Several sources were investigated, including State organizations, transportation insurance groups, labor statistics offices and other safety organizations. However,

the information obtained was not detailed. It was concluded, as a result of unsuccessful attempts to obtain precise, specific data, that an actual slip and fall survey and analysis should be conducted.

SLIPS AND FALLS SURVEY

The Bureau of Motor Carrier Safety conducted a "Slips and Falls" survey and analysis during the period of December 1975 to August 1976. A total of 46 carriers were surveyed, centering on four types of vehicles (cargo tanks, car carriers, vans, and flat bed or heavy hauling equipment). The statistics and information were collected for the year 1974. Approximately 22,000 employees' records were reviewed. Detailed information was collected on each slip and fall, including, medical costs, workmen's compensation costs, part of the body injured, person's age, environment, part of the vehicle where injury occurred and type of equipment used. Other areas of concern were also discussed with carrier representatives, namely, various types of non-slip surfaces being used, training and retraining of drivers regarding proper entry/egress, incentive awards for safety practices, workmen's compensation costs for different States, and improvements made as a result of some costly slips and falls. Pictures were also taken of equipment being used.

The results of the survey indicated:

1. Slips and Falls accounted for 14 percent of all driver personal injury accidents and 9 percent of all carriers' personal injury accidents.
2. Slip and Fall medical costs accounted for 11 percent of carriers' total medical costs.
3. Slip and Fall workmen's compensation costs accounted for 10 percent of carriers' total workmen's compensation costs.
4. Approximately 54 percent of the slip and fall incidents happened on the tractor or driver area and 46 percent happened on the trailer or cargo area.
5. Tank carriers had the highest percentage of driver slips and falls (23 percent); followed by auto transporters (14 percent); van-type (11 percent); and flat bed (9 percent).

COSTS ASSOCIATED WITH PERSONAL INJURY ACCIDENTS

According to information published by the American Trucking Associations, Inc., employee injuries are up 50 percent from 1968 to 1974; average injury costs have quadrupled since 1970; and the 1973 compensation costs are up 75 percent compared to 1968. Their estimate of an average injury was \$1,409.27 for 1975, and that the most frequent cause of injury was falling. The average maximum compensation benefit, nationwide, is now \$136.95 per week, compared to \$78.82 in 1970—and it is considerably higher in some States. Even heavier compensation expenses are forecasted.

Like the tip of an iceberg, the insured costs of accidents are only a small part of the total costs. Accidents directly affect profit and loss, and may even involve the company's ability to stay in business. Along with the cost of workmen's compensation, there is the loss of employee's services, knowledge and experience and the resulting loss in productivity, as well as the cost of hiring and training replacement labor. An accident also may lower employee morale, which could affect efficiency.

The recent survey indicated the following cost data:

1. Medical costs ranged from 0 to \$6,039.15 per individual slip and fall case.
2. Compensation costs ranged from 0 to \$8,834 per individual slip and fall case.
3. The combined medical/compensation costs ranged from 0 to \$14,873.15 per individual slip and fall case.
4. The average combined medical cost/compensation cost of slip and fall incidents was \$290.92.

These costs take into account only the medical and compensation figures paid out. It is reasonable to assume that the actual costs of each slip and fall are considerably more when the other costs mentioned are considered.

DISCUSSION OF PROPOSED RULE

In the preparation of the proposed sections regarding cab entry/exit, rear of cab access and front of cab access, appropriate literature from several sources has been consulted. The references include, (1) Liberty Mutual Study, Driver Falls While Mounting or Dismounting Cab Over Engine Tractor Trailer Cabs, Charles H. Irvine, March 10, 1967; (2) Recommended Practice No. 404, ATA, Regular Common Carrier Conference, Cab and Driver Study Group, January 1976; (3) SAE J185, Access Systems for Construction and Industrial Equipment, Part II SAE Handbook 1977; (4) SAE J833a, U.S.A. Male and Female Physical Dimensions for Construction and Industrial Equipment Design, Part II, SAE Handbook 1977; (5) U.S. Army Specification, Body Van, Vehicle-Mounted, General Specifications For, MIL-B-13207D (ME) CX1966, 12 August 1976; and (6) Human Factors Engineering Guide to Equipment Design, Joint Army-Navy-Air Force Steering Committee, 1972. While the proposed rule does not directly reflect any one of these references exactly, it does represent the most appropriate aspects of all of them. What results is an already proven set of requirements that represents the best design practices the industry can expect.

The requirements are in no way intended to be design restrictive but rather are intended to encourage manufacturers to include in their designs, accommodations for drivers while on the vehicle.

The proposed regulations are, like all the Federal Motor Carrier Safety Regulations, minimum requirements. It is hoped that where more stringent requirements are recommended improvements will be made. The development of RP 404 indicates that need for a better step/handhold system.

The requirements of RP 404 with regard to cab entry/exit have been similarly adopted in our proposed amendment. Our first attempt in the cab entry/exit area is directed at high profile COE truck tractors, as preliminary indications revealed this type vehicle is more prone to driver slips and falls. It is believed that the system proposed, i.e., to have 3 limbs in contact with the truck tractor at any time, including transition between intermediate positions, will insure a safe, stable means for the driver to climb into or descend from the cab of the high profile COE.

Although the vertical height from ground level has been minimally proposed at 610 millimeters (24.0 inches) the 5th percentile group may not comfortably reach this step. However, as mentioned earlier the proposed regulation is minimum.

Access to the rear of the vehicle and the front of the vehicle has not been limited to high profile COE's. There must be a safe access to the front area of all truck tractors and trucks in order to perform such duties as window washing, checking water and oil levels, and to raise the hood on conventional type vehicles.

If electrical and air connections can be reached from the ground level, thereby eliminating the need to climb upon the rear section, the step, handhold and deck plating requirements will be nil.

With regard to construction material, it is believed that self-cleaning material is necessary to prevent element build-up. The material should have no sharp edges, and openings must be such to prevent finger entrapment. Since door sills are used as steps it is being proposed that slip retardant material, commonly used on sill steps, will be acceptable. Although step construction is important, step spacing, depth, and clearance requirements are also necessary.

The proposed handhold requirements are also needed. A person should be able to reach the handhold before ascending. The proposed spacing requirements should provide a balanced comfortable system for any driver.

The proposed strength requirements are needed to ensure that all handholds, steps, and plates will support not only the weight of the individual, but meet certain rigidity requirements for purposes of stability. Without the deflection requirements, the handholds, steps, or plates could flex or

give, thereby jeopardizing the stability of the individual. It should also be noted that the strength requirements have been given in terms of "weight" rather than "mass" that produces a load or force, so as to provide a better understanding to the average individual.

In consideration of the foregoing, it is proposed to amend Chapter III of Subtitle B in Title 49, Code of Federal Regulations by adding a new Subpart J to Part 393 to read as follows:

Subpart J—Step, Handhold and Deck Requirements on Commercial Motor Vehicles

- Sec.
393.200 Purpose and scope.
393.201 Cab entry and exit.
393.202 Rear of cab access.
393.204 Front of cab access.

AUTHORITY: Sec. 204, 49 Stat. 546 as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-870; 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60.

Subpart J—Step, Handhold and Deck Requirements on Commercial Motor Vehicles

§ 393.200 Purpose and scope.

This subpart prescribes step, handhold and deck requirements on commercial motor vehicles. These requirements are intended to enhance the safety of motor carrier employees.

§ 393.201 Cab entry and exit.

(a) *Application of the rule in this section.* The section applies to all high profile COE truck tractors (floor height from ground greater than 1.016 millimeters (40.0 inches) manufactured on and after January 1, 1981).

(b) *General rule.* Any person entering or exiting the cab of a high profile COE truck tractor shall be afforded sufficient steps and handholds to allow the user to have at least 3 limbs in contact with the tank tractor at any time. This rule applies to intermediate positions as well as transition between intermediate positions during cab entry and exit.

(c) *Specifications.* All high profile COE truck tractors with seats on both sides of the vehicle shall be equipped on both sides of vehicle with—

(1) Steps of a sufficient number to afford safe and easy access and meet the following minimum requirements:

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level.

(ii) *Vertical height between steps.* The vertical height between steps up to and including the sill step shall comply with "Step Spacing Chart" shown below:

STEP SPACING CHART

If horizontal step offset * is—	The vertical spacing between steps must be no more than—
At least 0 mm (0 in) but less than 406 mm (16.0 in).	305 mm (12.0 in).
At least 406 mm (16.0 in) but less than 508 mm (20.0 in).	203 mm (8.0 in).

If horizontal step offset * is—	The vertical spacing between steps must be no more than—
At least 508 mm (20.0 in) but less than 610 mm (24.0 in).	102 mm (4.0 in).
At least 610 mm (24.0 in) or greater.	0 mm (0 in).

* Horizontal step offset equal the horizontal distance between step midplanes.

(iii) *Construction material.* Each step shall be constructed of or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges. *Exception.* The sill step must be covered with a slip retardant material, but it does not have to be self-cleaning;

(iv) *Step tread depth.* Each step shall have a tread depth of at least 102 mm (4.0 in).

(v) *Step clearance.* There must be at least 51 mm (2.0 in) clearance between the back edge of the step and any part of the truck tractor to allow the user to step on the ball of his or her foot.

(A) *Exception.* Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearance.

(B) *Exception.* A sill step with a tread depth of 102 mm (4.0 in) or more is not required to have step clearance.

(vi) *Step width.* The first step shall have a tread width of at least 153 mm (6.0 in). The width of succeeding steps shall increase and be located closer to the door sill as you ascend. If the sill step is not at least 407 mm (16.0 in) wide with a tread depth of at least 153 mm (6.0 in) a step immediately below the sill step is required. This step shall be at least 305 mm (12.0 in) wide, with the rear of the step (with respect to the front of the truck tractor) no farther forward than a line drawn vertically from the forward edge of the driver's seat in its rearward most position. This step shall also meet the requirements in subparagraphs (1)(iii), (1)(iv), (1)(v) and (2)(vii) of this section.

(vii) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kilograms (450 pounds), at any point on the tread with a vertical deflection of no more than 5mm (0.2 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread.

(2) *Handholds of a sufficient number and design to afford safe and easy access and meet the following minimum requirements:*

(i) *Location.* Dual handholds must be located directly above the first step to enable a person to reach the handhold before he begin his ascent. Additionally, a handhold must be located at or immediately above the top of the door envelope and extend from the

rear of the door envelope forward, at least two-thirds of the door envelope's width.

(ii) *Height from ground level.* The dual handholds shall start no more than 1,524 mm (60.0 in.) from the ground level. One of the dual handholds nearest to the swinging edge of the cab door shall extend at least 1,219 mm (48.8 in) vertically from the door sill;

(iii) *Exterior mounting specifications.* Each handhold, affixed exterior of the vehicle, shall have at least 51mm (2.0 in) clearance between the surface on which it is mounted and the handhold.

(iv) *Unobstructed length.* Each handhold shall be mounted without obstructions or mid-brackets to allow continuous movement to the hand over the entire length;

(v) *Size and shape.* Each handhold shall be free of sharp edges and have a circumference no greater than 119.6 mm (4.71 in) nor less than 59.8 mm (2.36 in). *Exception.* Recessed handholds, pre-formed into the inside of the cab body may be used only if they are designed in a manner that will afford safe and easy use and meet the requirements set forth in subparagraphs (2)(i), (2)(iii), and (2)(v) of this section.

(vi) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), in any direction with a deflection of no more than 5 mm (0.2 in) in any direction.

§ 393.202 Rear of cab access.

(a) *Application of the rule in this section.* This section applies to all truck tractors manufactured on and after January 1, 1981.

(b) *General rule.* When a person is required to climb upon the rear portion of a truck tractor to couple or uncouple air and electrical connections, the truck tractor shall be equipped with—

(1) Steps of a sufficient number to afford safe and easy access and meet the following minimum requirements.

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level;

(ii) *Vertical height between steps.* Vertical distances between steps shall comply with the "Step Spacing Chart" shown in § 393.201 of this chapter;

(iii) *Construction material.* Each step shall be constructed of or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges;

(iv) *Step tread depth.* Each step shall have a tread depth of at least 102 mm (4.0 in);

(v) *Step clearance.* There must be at least 51 mm (2.0 in) clearance between

the back edge of the step and the vehicle to allow the user to step on the ball of his or her foot. *Exception.* Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearance;

(vi) *Step width.* Each step shall have a tread width of at least 204 mm (8.0 in); and

(vii) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point on the tread with a vertical deflection of no more than 5 mm (0.2 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread.

(2) Handholds of a sufficient number and design to afford safe and easy access and meet the following minimum requirements:

(i) *Height from ground level.* The lowest part of any handhold shall be no more than 1,524 mm (60.0 in) from ground level;

(ii) *Exterior mounting specifications.* Each handhold, affixed exterior of the vehicle, shall have at least 51 mm (2.0 in) clearance between the surface on which it is mounted and the handhold;

(iii) *Unobstructed length.* Each handhold shall be mounted without obstructions of mid-brackets to allow continuous movement of the hand over the entire length;

(iv) *Size and shape.* Each handhold shall be free of sharp edges and have a circumference no greater than 119 mm (4.7 in) nor less than 61 mm (2.4 in). *Exception.* Recessed handholds performed into the tractor body may be used only if they are designed in a manner that will afford safe and easy use and meet the requirements set forth in subparagraphs (2)(i), (2)(iii), and (2)(v) of this section.

(v) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), at any point in any direction with a deflection of no more than 5 mm (.2 in) at any point in any direction.

(3) *Deck plates, mounted on the rear of the truck tractor in all areas where the driver must step or stand in order to provide safe footing and meet the following minimum requirements:*

(i) *Construction material.* Each deck plate shall be constructed of, or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges;

(ii) *Mounting.* Each deck plate shall span the distance between the frame or frame extension brackets in such a manner that it can be held in place with a type of hold down device(s)

that will allow ready removal for vehicle service; and

(iii) *Deck plate strength.* Each deck plate must be capable of withstanding the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point with a vertical deflection at any point of no more than 5 mm (.2 in).

§ 393.203 Front of cab access.

(a) *Application of the rule in this section.* This section applies to all trucks and truck tractors manufactured on and after January 1, 1981.

(b) *General rule.* When a person is required to climb upon the front of a truck or truck tractor, the vehicle shall be equipped with—

(1) steps of a sufficient number to afford safe and easy access and meet the following minimum requirements:

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level. Any succeeding steps shall comply with the "Step Spacing Chart" shown in § 393.201;

(ii) *Construction material.* Each step shall be constructed of or covered with an anti-slip material. Any openings in the tread surface shall be of size that will prevent finger entrapment and be free of sharp edges;

(iii) *Steps performed within bumper—(A) Tread width.* Each step shall have a tread width of at least 153 mm (6.0 in);

(B) *Step tread area.* Each step must have a bearing surface tread area of at least 7,742 mm² (12.0 in²);

(C) *Prevention of liquid build-up.* The step tread area must be perforated or sloped downwardly with respect to the horizontal plane no less than .0873 rad (5°) nor more than .1745 rad (10°);

(D) *Step clearance.* There shall be sufficient clearance between the back edge of each step and any other surface to allow any person to place the ball of his or her foot on the step tread area; and

(E) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point with a vertical deflection of no more than 5 mm (.1 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread;

(iv) *Step performed or attached to exterior of bumper—(A) Tread width.* Each step shall have a tread width of at least 153 mm (6.0 in).

(B) *Step tread area.* Each step must have a bearing surface area of at least 11,613 mm² (18.0 in²);

(C) *Step clearance.* There shall be sufficient clearance between the back edge of the step and any other surface

to allow any person to place the ball of his or her foot on the step tread area;

Exception. Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearances.

(D) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread; and

(v) *Bumper.* The top of any bumper that is used as a stepping or standing surface must be covered with an anti-slip material.

(2) handholds of a sufficient number and design to afford safe and easy access and meet the following minimum requirements:

(i) *Height from ground level.* The lowest part of any handhold shall be no more than 1828 mm (72 in) from ground level.

(ii) *Clearance.* Each handhold shall have at least 51 mm (2 in) clearance between the surface on which it is mounted and the handhold;

(iii) *Size and shape.* Each handhold shall be free of sharp edges and have circumference no greater than 119.6 mm (4.71 in) nor less than 59.8 mm (2.36 in).

(iv) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), in any direction with a deflection of no more than 5 mm (.1 in) in any direction.

Interested persons are invited to submit their views on these proposals. Communications should identify the docket number and the notice number which appear at the beginning of this notice.

All comments received will be available for examination by interested persons at the Bureau of Motor Carrier Safety, Room 3402, Department of Transportation, 400 7th Street SW., Washington, D.C., 20590.

(Sec. 204, 49 Stat. 546 as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-670; 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60.)

NOTE.—It has been determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and 11949 and OMB Circular A-107.

Issued on February 8, 1978.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc. 78-4158 Filed 2-14-78; 8:45 am]

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mental impact involved for which comments have not been requested specifically.

Comments concerning the action alternatives and requests for additional information should be addressed to Regional Forester R. E. Worthington, Pacific Northwest Region, P.O. Box 3623, Portland, Oreg. 97208. Comments must be received by April 7, 1978, in order to be considered in the preparation of the final Environmental Statement.

Dated: February 6, 1978.

H. W. PARKER,
Budget Officer.

[FR Doc. 78-4081 Filed 2-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31960; Order 78-2-43]

FRONTIER AIRLINES, INC.

Order Granting Exemption

Issued under delegated authority, February 9, 1978.

By application filed January 6, 1978, Frontier Airlines, Inc. (Frontier), requests an emergency exemption from Order 74-12-109¹ to the extent necessary to permit it to establish a fare between Lawton and Tulsa, Okla., which will match the fare charged by Metroflight, Inc. (Metro), a commuter air carrier operating in this market pursuant to a replacement agreement with Continental Air Lines, Inc. (Continental).²

In support of its application, Frontier states it is the only certificated air carrier providing service between Lawton and Tulsa; on December 1, 1977, Metro inaugurated service in this market at a fare level of \$32.41; and it desires to match Metro's fare in this market, but is precluded from doing so by the coach fare formula or Phase 9 of the Domestic Passenger-Fare Investigation (DPFI) which sets the lowest fare at \$33.33. Frontier's current charge in the market. Frontier contends this fare level puts it at a competitive disadvantage; and the Board has in the past granted Frontier an exemption in similar situations;³ the Board has explicitly recognized that certificated carriers should be allowed to establish fares below those prescribed by Phase 9, to meet competition from non-certificated carriers; and the Board has similarly held, in

Investigation of Interstate and Intrastate Fares in California and Texas Markets,⁴ that fares of certificated carriers may be lowered below Phase 9 minima to the extent necessary to meet competition from intrastate carriers. Finally, the carrier argues that the policy established by the Board with respect to matching fares of intrastate carriers is equally applicable to the situation with which Frontier is now confronted.

No answers have been filed in opposition to Frontier's application.

Upon review of the statements contained in the application and all other relevant matters we find that enforcement of the requirements of Phase 9 of the DPFI, insofar as they would prevent Frontier from matching coach fares offered by Metro between Lawton and Tulsa would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations and would not be in the public interest.

We believe that granting the requested exemption authority comports with our long-standing policies according the maximum possible pricing flexibility to local service carriers and permitting certificated carriers, generally, to match genuinely competitive fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 203(a), 403, 404, and 1002, and the authority duly delegated in the Board's Regulations, 14 CFR 385.14(b),

It is ordered, That: 1. Frontier Airlines, Inc., is exempted from the requirements of Order 74-12-109 to the extent necessary to permit it to file tariffs containing fares between Lawton and Tulsa, Okla., matching the published fare of Metroflight, Inc., in this market;

2. To the extent not granted herein, the application Docket 31960 is denied; and

3. A copy of this order be served upon all U.S. certificated air carrier parties in Phase 9 of the Domestic Passenger-Fare Investigation⁵ and Metroflight, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

¹Order 76-7-23.

²Order 74-12-109, December 27, 1974.

³The Board's Opinion and Order on Reconsideration in Phase 9 of the Domestic Passenger-Fare Investigation (DPFI), December 27, 1974.

⁴Order 77-10-92, October 20, 1977.

⁵Orders 77-1-164, January 31, 1977, 77-1-92, January 14, 1977, and 76-2-98, February 25, 1976.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Pricing and Domestic Aviation.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4153 Filed 2-14-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

UNIVERSITY OF PENNSYLVANIA/CVP DIVISION, ET AL.

Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 58968 in the FEDERAL REGISTER of Monday, November 14, 1977, the following correction should be made:

Under Docket No. 78-00012, Manufacturer: should be corrected to read: Sitek Lab, AB, Sweden.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPE,
Director,

Statutory Import Programs Staff.

[FR Doc. 78-4133 Filed 2-14-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given (1) of a joint meeting of the North Pacific Fishery Management Council established by Section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), both established under Section 302(g), of the Act, (2) separate meetings of the SSC and AP.

The SSC and AP will meet separately on March 21-22, 1978, in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m.

The Council and its SSC and AP will meet jointly on Thursday and Friday, March 23-24, 1978, in the Anchorage Westward Hilton, 3rd and E Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

MARCH 23

Proposed Agenda: (1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress report and update from Council's Drafting Management Planning Teams; (4) Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), and the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians; (5) Period for public comment; (6) Review of foreign fishing activities.

MARCH 24

(1) Discussions of management plans; Tanner Crab off Alaska; Gulf of Alaska Groundfish Fishery during 1978; Commercial Troll Fisheries off the Coast of Alaska; Bering Sea Clam Fishery; King Crab, and Bering Sea Groundfish Fishery; (2) Other Council business.

The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, March 23, 1978, from 1:30 p.m. to 3:30 p.m. to hear and discuss Department of State security classified reports concerning preparations and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians.

Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 5, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: February 3, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-4077 Filed 2-14-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of January 1978

Notice is hereby given that during the month of January 1978, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested parties may submit written comments on the listed interpretation requests within 30 days of the publication of this notice. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9070.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

FEBRUARY 9, 1978.

APPENDIX—LIST OF REQUESTS FOR INTERPRETATION RECEIVED BY THE OFFICE OF GENERAL COUNSEL

MONTH OF JANUARY 1978

Date Received, Name, Location of requestor, and File No.

January 3, 1978, Ethyl Corp., Arnold H. Quint, Hunton & Williams, 1730 Pennsylvania Avenue NW., P.O. Box 19230, Washington, D.C. 20036, A-266.

Issue: Must a firm be involved in the "trade or business" of selling a covered product in order to qualify as a "reseller" as defined in 10 CFR 212.31.

January 4, 1978, Shell Oil Co., Michael R. Grover, Esq., Shell Oil Co., One Shell

Plaza, P.O. Box 2463, Houston, Tex. 77001, A-267.

Issue: The manner in which increased excise taxes for motor gasoline should be treated and whether such increased taxes can be automatically added to the sales price of covered products calculated in accordance with 10 CFR 212.83.

January 4, 1978, Special Jet Services, Inc., Charles B. Watkins, McClure & Watkins, P.C., 1410 Grant Building, Pittsburgh, Pa. 15219, A-268.

Issue: Whether a fee (in the nature of a tax) imposed by a governmental authority upon fixed base operators who resell aviation fuel would be an element of the maximum allowable price computation set forth in 10 CFR 212.93.

January 6, 1978, Viersen & Cochran, Bland Williamson, Pray, Scott, Williamson & Marlar, Fourth National Bank Building, Tulsa, Okla. 74119, A-269.

Issue: Is the stripper well property exemption set forth in 10 CFR 212.54 applicable to a well producing liquid hydrocarbons which existed in the reservoir in a liquid phase at the time of the well's original completion, regardless of whether or not the well produces from more than one zone or reservoir.

January 9, 1978, General American Oil Co. of Texas, Charles E. Brown, General American, Meadows Building, Dallas, Tex. 75206, A-270.

Issue: May the firm recertify certain volumes of domestic crude oil notwithstanding the provisions of 10 CFR 212.131.

January 20, 1978, Independent Oil Compounds Association, William W. Scott, Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street, Washington, D.C. 20007, A-272.

Issue: Is the refinery price rule set forth in 10 CFR Part 212, Subpart E applicable to the sales of finished lubricants by members of the Independent Oil Compounds Association.

January 23, 1978, Elm City Filling Stations, C. David Goldman, Esq., Brenner, Saltzman & Wallman, 271 Whitney Avenue, New Haven, Conn. 06511, A-273.

Issue: May sales to three of the firm's purchasers be classified as sales to a new market as set forth in 10 CFR 212.111(a)(2).

January 18, 1978, Air Conditioning and Refrigeration Institute, Frederick A. Ballard, Esq., Ballard, Beasley & Nelson, 505 Commerce Building, 1700 K Street NW., Washington, D.C. 20006, A-274.

Issue: Are packaged terminal air conditioners a consumer product under 10 CFR Part 430, which prescribes test procedures for air conditioners.

January 25, 1978, Sun Gas Co., Frank B. Sweeney, Esq., Sun Gas Co., Two Northpark East, P.O. Box 20, Dallas, Tex. 75221, A-275.

Issue: Does Sun's processing of another company's natural gas, the BTU content of which is returned to pre-processing levels afterwards by Sun, constitute natural gas shrinkage measurable by the price of Sun's residual gas. 10 CFR 212.162, 212.166(b)(3).

January 25, 1978, Tesoro Petroleum Corp., Michael L. McReynolds, Esq., Tesoro Pe-

troleum Corp., 8700 Tesoro Drive, San Antonio, Tex. 78286, A-276.

Issue: Is a proposed foreign exchange of residual fuel oil by Tesoro with a foreign customer an export sale under the DOE entitlement program as set forth in 10 CFR 211.67(d)(2).

[FR Doc. 78-4055 Filed 2-14-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. G-3894, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES¹

FEBRUARY 6, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as de-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

scribed herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3894 (C) Feb. 1, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., New Mexico Federal Unit, Lea County, N. Mex.	(*)	14.65
CI63-1427 (D) Jan. 30, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., certain acreage in the N. Cooper Field, Blaine County, Okla.	Nonproductive, plugged and abandoned.	
CI67-152 (D) Jan. 30, 1978	Sun Oil Co.	Panhandle Eastern Pipe Line Co., certain acreage in the S. Peek field, Ellis County, Okla.	No gas wells completions and lease expired.	
CI74-81 (C) Nov. 8, 1976	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 286 field, East Cameron area, offshore, Louisiana. The 6900 B Gas Sand horizon added herewith.	(*)	15.025
CI75-137 (D) Jan. 26, 1978	Belco Petroleum Corp., as agent for Belco 1973 Oil and Gas Fund Ltd., One Dag Hammarskjöld Plaza New York, N.Y. 10017.	Texas Eastern Transmission Corp., certain acreage in the Tatton Ranch Area, Refugio County, Tex.	Deletion due to reassignment of certain nonproductive acreage.	
CI77-344 (C) Jan. 31, 1978	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co. Shannon sandstone formation from the Federal "AS" No. 1 well located in the NW¼ NW¼ of sec. 34, T45N, R75W, Campbell County, Wyo.	(*)	15.025
CI77-415 (C) Jan. 26, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., certain acreage in the Bayou Postillion field, Iberia Parish, La.	(*)	15.025
CI77-810 (D) Jan. 27, 1978	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	American Louisiana Pipe Line Co. Delcambre No. 1 well located in section 27, T12S, R8E, Iberia Parish, La.	Depleted and uneconomical.	
CI78-364 (B) Jan. 27, 1978	National Exploration Co., 5373 West Alabama, Houston, Tex. 77056.	Elizabethtown Gas Co. Boggy Creek Field, Anderson County, Tex.	Depleted.	
CI78-365 (CI64-1012) (B) Jan. 24, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co. North Monte Christo Field, Hidalgo County, Tex.	Depleted, plugged and abandoned.	
CI78-366 (A) Jan. 24, 1978	CIG Exploration, Inc. (Partial Succ. in interest to Gas Producing Enterprises, Inc.) 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co. Tate No. 4 well, Panoma field, Kearny County, Kans.	(*)	14.65
CI78-367 (B) Jan. 25, 1978	E. C. Johnston Co., P.O. Box 1112, Longview, Tex. 75601.	United Gas Pipe Line Co., Waskom (Travis Peak) Field, Harrison County, Tex.	Depleted, lease expired, plugged and abandoned.	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI78-368 (A) Jan. 26, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Southern Natural Gas Co., certain acreage in the Bayou Postillion Field, Iberia Parish, La.	(*)	15.025
CI78-369 (A) Jan. 26, 1978	Kewanee Oil Co. (Succ. in Interest to Dow Chemical Co.) P.O. Box 2239, Tulsa, Okla. 74101.	Southern Natural Gas Co., certain acreage in the Dalcour Field, Plaquemines Parish, La.	(*)	15.025
CI78-370 (A) Jan. 27, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Amacker Field, Upton County, Tex.	(*)	14.65
CI78-371 (A) Jan. 27, 1978	Appalachian Exploration & Development, Inc., P.O. Box 1473, Charleston, W. Va. 25325.	Cabot Corp., all wells, depths and acreage situated in Walker District, Wood County, W. Va.	(*)	14.65

* Applicant is filing under Casinghead Gas Contract dated Mar. 26, 1951, amended by Supplemental Agreement dated Jan. 9, 1978.

* Applicant submits that the rates, terms and conditions of Opinion 770, as clarified by Order of Oct. 21, 1976, are applicable to its filing. Applicant is also filing under Gas Purchase Contract dated July 2, 1973, amended by amendment dated Sept. 15, 1976.

* Applicant is filing under Gas Purchase and Sales Agreement dated Sept. 24, 1976 and Addendum to Gas Purchase and Sales Agreement dated Dec. 27, 1977.

* Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

* Applicant is filing under Gas Purchase Contract dated Nov. 26, 1952, amended by amendments dated Dec. 31, 1973 and Jan. 5, 1978.

* Applicant is willing to accept an initial rate pursuant to Opinion No. 699H and is filing under Gas Purchase Contract dated Nov. 1, 1977.

Filing code:

- A—Initial service.
- B—Abandonment.
- C—Amendment to add acreage.
- D—Amendment to delete acreage.
- E—Succession.
- F—Partial succession.

[FR Doc. 78-3983 Filed 2-14-78; 8:45 am]

[6740-02]

[Docket No. RI76-147]

MARSHALL EXPLORATION, INC.

Order Granting Special Relief

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" on section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—, provided that

this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On August 26, 1976, Marshall Exploration, Inc. (Marshall) filed a petition for special relief in Docket No. RI76-147 pursuant to section 2.56b(h) of the Commission's regulations. Marshall requests a total rate of 50 cents per Mcf for sales of 100% of the gas produced from the Huhn No. 1 and the Young No. 7-1 wells in the Grand Cane Field, Desoto Parish, La., and from the Adams Estate No. 1, Averett No. 2, and Levi Burkett No. 1 wells in the Logansport Field, Desoto Parish, La. The gas from the Grand Cane Field is being sold to Texas Eastern Transmission Corp. (Texas Eastern) while the gas from the Logansport Field is being sold to Southern Natural Gas Co. (Southern).

Notice of the petition was published in the FEDERAL REGISTER. No interventions have been filed.

The subject sales are being made pursuant to a small producer certificate issued to Marshall in Docket No. CS71-853 on January 25, 1972. Marshall is currently receiving a base rate of 35.7 cents per Mcf for these sales under contracts dated April 9, 1970, and February 2, 1966, with Texas Eastern and Southern, respectively. Texas Eastern and Southern have agreed to pay any rate authorized by the Commission in this docket by their letters of September 23, 1977, and October 6, 1977, respectively, to Marshall.

Marshall states that it is not economically feasible to continue gas sales from the subject wells at the current base rate of 35.7 cents per Mcf. Although no additional investment is proposed, Marshall contends that spe-

cial relief is necessary in order to cover the cost of additional dehydration and compression and to avoid the premature abandonment of the estimated 212,658 Mcf of remaining recoverable reserves.

In a petition where no additional work has been proposed, it has been the Commission's policy to deny a return of or on book investment. Accordingly, the cost study conducted by Staff utilizes out-of-pocket costs and is based on data submitted by Marshall in its petition and in responses to Staff's requests for additional information. These estimated costs, which include dehydration and compression charges of 22 cents per Mcf for the Grand Cane Field wells and 25 cents per Mcf for the Logansport Field wells, were escalated at an annual rate of 5% for inflation for the first five years. In this manner operating costs for Huhn No. 1 and Young No. 7-1 wells combined were estimated to be \$6,685 over a 0.75 year remaining life; for the Averett No. 2 well, \$17,867 over a two-year remaining life; and for the Levi Burkett No. 1 Well, \$63,229 over a 5.5-year remaining life.

Marshall did not request an allowance for any increase in federal income tax resulting from the Tax Reform Act of 1975, and Staff did not include such an allowance in its calculations. It is the Staff's opinion that the volumes entailed herein will not prejudice Marshall's ability to continue the use of statutory depletion.

Staff's cost study follows traditional methodology and indicates that the requested rate is cost justified.¹ Upon consideration of the data submitted by

¹ See Appendix A, attached hereto.

Marshall and Staff's analysis thereof, we conclude that the petition should be granted.

The Commission orders:

(A) The petition for special relief filed by Marshall in docket No. RI76-147 is hereby granted.

(B) Marshall is hereby authorized to collect a total rate of 50 cents per Mcf at 15.025 p.s.i.a. for the subject sales of gas to Texas Eastern and Southern effective as of the date of issuance of this order.

(C) Marshall shall file within 30 days hereof executed contract amendments signed by Texas Eastern and Southern providing for payment of the rate approved herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, HUNN NO. 1 AND YOUNG NO. 7-1 WELLS—GRAND CANE FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	13,374
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$6,685
6.	Regulatory expense ³	13
7.	Total cost of production	6,698
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ⁴	50.08
10.	Production tax ⁵	1.30
11.	Gathering allowance ⁶	1.02
12.	Total unit cost	52.40

¹16,667 Mcf (staff estimate) x 0.8024318 N.W.I.
²Based on estimated monthly operating costs of \$300 per month plus 22 cents per Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct for inflation for the 0.75 year remaining life.
³Line 2 x 0.1 cent per Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.
⁶Per opinion No. 749.

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, AVERETT NO. 2 WELL—LOGANSPOUT FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	36,188
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$17,867

Line No.	Item (a)	Amount (b)
6.	Regulatory expense ³	36
7.	Total cost of production	17,903
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ⁴	49.47
10.	Production tax ⁵	1.30
11.	Total unit cost of gas	50.77

¹41,676 Mcf (staff estimate) x 0.8683269 N.W.I.
²Based on estimated average monthly operating costs of \$245 per month plus 25 cents/Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct per year for the two year remaining life.
³Line 2 x 0.1 cent/Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, LEVI BURKETT NO. 1 WELL—LOGANSPOUT FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	121,339
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$63,229
6.	Regulatory expense ³	121
7.	Total cost of production	63,350
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ⁴	52.21
10.	Production tax ⁵	1.30
11.	Total unit cost of gas	53.51

¹154,315 Mcf (staff estimate) x 0.7863065 N.W.I.
²Based on estimated monthly operating costs of \$245 per month plus 25 cents/Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct for inflation for the first five years.
³Line 2 x 0.1 cent/Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.
[FR Doc. 78-3982 Filed 2-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 856-4]

ACCEPTABLE FUEL SAMPLING ANALYSIS METHODS FOR DEMONSTRATING COMPLIANCE BY SULFUR DIOXIDE SOURCES IN OHIO

United States Environmental Protection Agency (U.S. EPA) is publishing the following policy statement on an acceptable alternate method of demonstrating compliance with the federally promulgated Ohio Sulfur Dioxide regulation in response to requests from several sources in Ohio for clarification of what alternate methods would be acceptable. See 40 CFR § 52.1882 (a)(5) and (b)(5).

The Ohio implementation plan regulation for the control of sulfur dioxide

(SO₂) emissions (40 CFR 52.1881, 41 FR 36324 as amended by 41 FR 52455 and 41 FR 27588) requires that sources emitting 100 tons or greater of SO₂ per year which are in compliance with the regulation's emission limitation must certify that fact of compliance to the Administrator. 40 CFR 52.1882 (a)(5) and (b)(5). Compliance is required to be demonstrated through stack emission tests performed pursuant to the procedures specified in 40 CFR 60.46. While the regulation does not provide for demonstrating compliance by methods other than those specified in 40 CFR 60.46, the Agency has determined that for fossil fuel-fired steam generators certain fuel sampling analysis methods provide an acceptable alternative method and therefore may be submitted by Ohio SO₂ sources to U.S. EPA to demonstrate compliance.

Specifically, coal analysis conducted in accordance with ASTM method D3176 based on a twenty-four (24) hour period of fuel average or other equivalent methods approved by U.S. EPA in writing may be submitted by such Ohio sources to U.S. EPA to demonstrate compliance. Thus an owner or operator of a fossil fuel-fired steam generator may certify compliance by demonstrating through fuel analysis results based upon twenty-four (24) hour fuel averaging that the SO₂ emissions from the source will not exceed the applicable emission limitations 40 CFR 52.1881(b).

The use of fuel sampling analysis methods to demonstrate compliance is intended to eliminate the necessity of conducting a stack test on every emitting source in Ohio. However, acceptance by U.S. EPA of compliance certifications based on fuel analysis does not preclude the Administrator from requiring stack tests at a later time pursuant to Section 114 of the Clean Air Act or initiating enforcement actions based upon the results of subsequent stack tests.

Dated: February 9, 1978.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

[FR Doc. 78-4176 Filed 2-14-78; 8:45 am]

[6560-01]

ENVIRONMENT AND CONSERVATION IN NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT

[FRL 856-6]

Public Hearing

The Environmental Protection Agency (EPA) announces a Public Hearing on Environment and Conservation in Nonnuclear Energy Research and Development to be held at the General Services Administration Auditorium, 7th and D Streets, SW., Washington, D.C. from 9 a.m. to 4:30

p.m., March 29-31, 1978. The public is invited to attend.

Section 11 of the Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577) directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal nonnuclear energy research and development program to evaluate the adequacy of attention to: (1) Energy conservation methods; and (2) Environmental protection from, and environmental consequences of the application of nonnuclear energy technologies.

Public views are an important component of this continuing analysis. Under direction of the Act, annual public hearings are held to provide the opportunity for interested individuals or groups to testify on environmental and conservation aspects of the research and development program. In particular, the 1978 hearing will focus on the Department of Energy's research programs directed at the following subjects:

- (a) Future energy patterns and coal use (March 29).
- (b) Energy conservation and solar energy development (March 30).
- (c) Oil shale and synthetic fuels from coal (March 31).

Transcripts of the hearings will be available to the public and will be transmitted to the President, the Congress, and the Secretary of the Department of Energy.

Additional information about this hearing may be obtained by phoning David Graham (202-755-0205) or Steven Plotkin (202-755-0645). Individuals or organizations wishing to testify should submit, on or before March 1, 1978, a brief summary of their intended testimony to:

Steven R. Reznick, Acting Deputy Assistant Administrator for Energy, Minerals, and Industry (Attention: Section 11 Hearing), RD-881, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Witnesses may submit written testimony and/or deliver an oral statement of up to ten minutes in length. Additional time will be reserved for questions and comments from a panel of experts and written questions from the audience.

Dated: January 30, 1978.

STEPHEN J. GAGE,
Acting Assistant Administrator,
for Research and Development.
[FR Doc. 78-4177 Filed 2-14-78; 8:45 am]

[6560-01]

[FRL 856-31]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Delaware

On December 23, 1971 (36 FR 24876) and on March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources (NSPS). On April 6, 1973 (38 FR 8820), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for certain hazardous air pollutants (NESHAPS). Sections 113(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On September 7, 1977, the Honorable Pierre S. DuPont IV, Governor, State of Delaware, submitted to the EPA Regional Office a request for delegation of authority. Included in the request were copies of and references to pertinent Delaware statutes and regulations governing the control of air pollution, which provide the State with the requisite authority to enforce certain NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs A and B of the following official letter the Honorable Pierre S. DuPont IV, Governor of the State of Delaware, delegation is appropriate subject to the conditions set forth in paragraph 1 through 9 of that letter:

SEPTEMBER 30, 1977.

Certified Mail Return Receipt Requested

Re Delegation of authority of new source performance standards and national emissions standards for hazardous air pollutants pursuant to sections 111(c) and 112(d), Clean Air Act, as amended.

HON. PIERRE S. DUPONT IV,
Governor, State of Delaware,
Dover, Del. 19901

DEAR GOVERNOR DUPONT: This is in response to your letter of September 7, 1977, requesting delegation of authority for implementation and enforcement of certain Standards of Performance for New Stationary Sources (NSPS) and certain National Emissions Standards for Hazardous Air Pollutants (NESHAPS) to the State of Dela-

ware's Department of Natural Resources and Environmental Control (the Department).

We have reviewed the pertinent laws of the State of Delaware and its Regulations governing the control of air pollution, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

A. The Department is delegated and shall have authority for all sources located in the State of Delaware subject to the following Standards for Performance for New Stationary Sources promulgated in 40 CFR Part 60: Fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants.

B. The Department is delegated and shall have authority for all sources located in the State of Delaware subject to the following National Emissions Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61: Asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department, including:

(A) For New Source Performance Standards:

(1) Sources determined to be applicable during that quarter;

(2) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(3) The compliance status of the above, including the summary sheet from the compliance test(s); and

(4) Any legal actions which pertain to NSPS sources.

(B) For National Emission Standards for Hazardous Air Pollutants:

(1) NESHAPS sources granted a permit to construct;

(2) NESHAPS sources inspected during that quarter and their compliance status (except under § 61.22(d) and (e));

(3) The number of inspections under § 61.22(d) and (e); and

(4) The requirements of (A) above.

2. Enforcement of the NSPS and NESHAPS regulations in the State of Delaware will be the primary responsibility of the Department.

Where the Department determines that such enforcement is not feasible and so notified EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the State of Delaware subject to NSPS and NESHAPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS and NESHAPS does not commit the State of Delaware to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of September 7, 1977.

4. The Department will at no time grant a waiver of compliance under the NESHAPS regulations.

5. The Department will not grant a variance from compliance with the applicable NSPS or NESHAPS regulations if such variance delays compliance with the Federal

Standards (Parts 60 and 61). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

6. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

7. If at any time there is a conflict between a department regulation and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. The Department will utilize the methods specified in 40 CFR Parts 60 and 61, in performing source tests pursuant to the regulations.

9. If the Regional Administrator determines that a Department program for enforcing or implementing a NSPS or NESHAPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-mentioned Federal NSPS and NESHAPS regulations by sources located in the State of Delaware should be submitted to the State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Del. 19901, in addition to EPA, Region III. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirements [sic] that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Delaware's Department of Natural Resources and Environmental Control will be deemed to have accepted all of the terms of the delegation.

Sincerely,

JACK J. SCHRAMM,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Honorable Pierre S. DuPont IV, Governor, State of Delaware, on September 30, 1977, that authority to implement and enforce certain standards of performance for new stationary sources and national emission standards for hazardous air pollutants was delegated to the State of Delaware.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pa. 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants listed in the above letter should be submitted to the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Del. 19901, with copies to EPA, Region III. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the Delaware Department of Natural Resources and Environmental Control, only.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6 and 7.

Dated: January 31, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-4079 Filed 2-14-78; 8:45 am]

[6560-01]

[FRL 855-8; OPP-42037C]

STATE OF COLORADO

Intent To Implement a Federal Plan for Certification of Pesticide Applicators

INTRODUCTION

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136 et seq., the Administrator of the U.S. Environmental Protection Agency (EPA) has the authority to classify all registered pesticide uses as either "restricted use" or "general use". Use of a restricted use pesticide by, or retail sale of a restricted use pesticide to, an individual who is not certified or acting under the direct supervision of a certified applicator, is a violation of the amended FIFRA.

It was the intent of Congress that persons desiring to use restricted use pesticides should be able to obtain certification under state programs approved by EPA. The criteria for such approval are published at 40 CFR Part 171. Each state, however, must accept or decline to accept responsibility for developing and administering an approvable state program. While it is EPA's position that state programs are best suited to the needs of the state and its citizens, EPA has no authority to require states to develop their own programs.

Between April and November 1976, the Colorado Department of Agriculture, in coordination with the EPA, Region VIII, Pesticides Branch and

Regional Counsel, developed an applicator certification plan and drafted proposed pesticide legislation necessary to provide legal authority for the administration of a state plan. On November 17, 1976, Colorado Governor Richard Lamm submitted the State's Plan for the Certification of Pesticide Applicators to EPA. Approval was requested contingent on passage of the proposed pesticide legislation and promulgation of implementing regulations.

On January 4, 1977, EPA, Region VIII, Denver, Colorado, published a notice in the FEDERAL REGISTER (42 FR 839) announcing the Agency's intent to approve on a contingency basis Colorado's State Plan. Following a 30-day comment period, during which no comments were received, a notice was published in the FEDERAL REGISTER on March 14, 1977 (42 FR 13861) announcing the Agency's contingent approval of the Colorado State Plan. Contingent approval for the Colorado State Plan was granted until May 1, 1977.

On April 28, 1977, the Regional Administrator, EPA, Region VIII, signed a FEDERAL REGISTER notice announcing an extension of the contingent approval for Colorado's State Plan until June 18, 1977. This extension was granted to allow additional time for the Colorado State Legislature to consider the pending pesticide applicator certification legislation. This notice was published in the FEDERAL REGISTER on May 20, 1977 (42 FR 25912). On June 22, 1977, the Colorado State Legislature officially adjourned without formal consideration of the proposed legislation.

Any state agency desiring to certify pesticide applicators under the amended FIFRA must have the required legal authority to develop and administer the program, as required by section 4 of the amended FIFRA and 40 CFR Part 171. The failure of the Colorado State Legislature to enact pesticide applicator certification legislation denied the State's Department of Agriculture the legal authority to administer an approvable pesticide applicator certification program. Consequently, the terms of EPA's contingent approval of Colorado's Plan have not been met and EPA must assume responsibility to provide a certification program for the citizens of the State of Colorado.

In accordance with the provisions of Section 4(a)(1) of the FIFRA, as amended, the 40 CFR Part 171, notice is hereby given that the EPA, Region VIII, will conduct a program within the State of Colorado to certify applicators of restricted use pesticides.

The entire EPA Plan, together with all attached appendices, may be examined during normal business hours at the following locations:

(1) Room 227, 1860 Lincoln Street, Denver, Colo. 80295, Pesticides Branch, Air and Hazardous Materials Division, EPA, Region VIII, telephone 303-837-3926.

(2) Room M2709, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Operations Division, WH-570, Office of Pesticide Programs, EPA, telephone 202-755-0356.

A summary of the EPA certification program for the State of Colorado follows.

SUMMARY OF CERTIFICATION PLAN

The EPA, Region VIII, Denver, Colo. (hereafter called "Region VIII") will be the lead agency for the administration of the pesticide applicator certification program in the State of Colorado, with the Air and Hazardous Materials Division, Pesticides Branch, responsible for the program's implementation and coordination. The Colorado State University (CSU) Cooperative Extension Service has the responsibility for administering statewide the EPA approved pesticide applicator training program. This includes preparing and conducting training courses for applicators as well as preparing and distributing training materials. The Pesticides Branch will review all training materials and courses to ensure that they meet the requirements of the amended FIFRA and its regulations.

Legal authority for EPA to conduct the applicator certification program is found primarily in section 4 of the amended FIFRA, regulations at 40 CFR 171.1 through 171.10, and proposed regulations at 40 CFR 171.11. Additional enforcement authorities are found in sections 8, 9, and 12 of the amended FIFRA and at U.S. Code, Title 18, section 1001.

Region VIII has adequate resources to conduct a certification program in Colorado which meets the requirements of the amended FIFRA and regulations at 40 CFR Part 171. These resources include funding which was originally budgeted for grant assistance to the Colorado Department of Agriculture for program development, implementation and administration. EPA also has funding available for applicator training by the CSU Cooperative Extension Service.

Region VIII personnel will be responsible for the maintenance of the Colorado certification program. Additional personnel may be assigned to Region VIII, as needed. In addition, EPA anticipates contracting with commercial firms to lessen the need to hire additional permanent personnel.

Region VIII will prepare an annual report on or before March 31 of each year. Copies of this report will be made available to the Governor of Colorado, Commissioner of the Colorado Department of Agriculture, and Director of the CSU Cooperative Extension Service. Copies of this report will

be available for public inspection at the EPA, Region VIII, Pesticides Branch Office at 1860 Lincoln Street, Denver, Colo., between 9 a.m. and 3:30 p.m., Monday through Friday.

Region VIII estimates that approximately 3,000 commercial applicators and 20,000 private applicators will need to be certified in Colorado. Qualified commercial and private applicators will be issued certification credentials.

Region VIII will use the same commercial applicator categories as outlined at 40 CFR 171.3(b). No additional major categories or subcategories will be used in the Colorado program at this time. The standards of Competency for commercial applicators will be those outlined at 40 CFR 171.4 (b) and (c) and 171.6.

All individuals seeking certification as commercial applicators will be required to take and successfully pass written examinations prior to being certified. These examinations will cover the general standards at 40 CFR 171.4(b) and 171.6 and the standards for each category in which the applicator wishes to be certified, at 40 CFR 171.4(c)(1) through 171.4(c)(10). A score of 70 percent or better is required for passage of each examination. All commercial applicators will be required to be recertified by written examination every two years.

If adequate resources are available, written examinations for commercial applicators will be administered by Region VIII at various locations in Colorado. Information concerning times, dates and locations of examination sessions will be prepared and published. Examinations may also be taken by appointment at the Pesticides Branch office, 1860 Lincoln Street, Denver, Colo.

Region VIII will make provision to issue commercial certification credentials in the appropriate category(ies) valid in the State of Colorado to commercial applicators who hold a certificate valid in other States or Indian Reservations with EPA approved plans. Applicators will be required to present written documentation of certification to the Pesticides Branch office prior to being issued an EPA certification credential for Colorado. All commercial applicators seeking certification through this means must have met the same requirements as commercial applicators who have obtained initial certification from this Agency in accordance with the preceding two paragraphs. Certification issued in this manner will be valid for two years from the date of issuance of the credential or upon termination of the original certification, whichever occurs first.

The standards of competency for private applicators will be those at 40 CFR 171.5 and 171.6. Individuals may

be certified as private applicators in Colorado by completing one of the following options:

1. *Successful completion of an approved training course.* Approved training courses may include but are not limited to courses sponsored by EPA, the CSU Cooperative Extension Service, the Colorado Division of Occupational Education (Vo-Ag), or private educational institutes. Each training session for certification must be approved by Region VIII and include at a minimum: (a) Coverage of private applicator standards which are listed at 40 CFR 171.5 and 171.6 and, (b) completion of the required no pass/no fail written questionnaires or receipt of a passing grade for a course offered by a recognized educational institution.

The CSU Cooperative Extension Service, in cooperation with Region VIII, will conduct training sessions for private applicators at various locations in Colorado. Information concerning times, dates and locations of these training courses will be made available through the local county extension agents.

2. *Successful completion of a written examination.* To pass the written exam, a score of 70 percent or better will be required. This exam will cover the standards listed at 40 CFR 171.5 and 171.6.

If adequate resources are available, written examinations for private applicators will be administered by representatives of the EPA at various locations in Colorado. Information concerning times, dates and locations of examinations will be prepared and published. Examinations may also be taken by appointment at the Region VIII office.

(Although Section 4 of the amended FIFRA prohibits EPA from requiring individuals to be certified as private applicators only by written examination, it is the Agency's view that applicators should be given this option. In many cases individuals seeking certification as private applicators may not have the time or desire to be certified by completion of training. In these cases an applicator may have the opportunity to be certified, on a voluntary basis, by written examination.)

3. *Successful completion of a self-study program.* An individual seeking certification as a private applicator may choose the optional requirement of completing the EPA programmed instruction learning course "Apply Pesticides Correctly" in the presence of an official of the Region VIII office or an EPA designated official. This official will verify that the applicator has completed the program and is qualified for certification. If adequate resources are available, the EPA will conduct sessions in various locations throughout Colorado where applica-

tors can complete the program under Agency guidance. Information concerning times, dates and locations will be developed and made public.

4. *Submitting evidence of certification as a private applicator in any other State having an EPA approved applicator certification program.* A private applicator will be required under this option to submit written evidence (copy of certification credential, license, etc.) of certification to Region VIII before receiving private applicator certification in Colorado. Applicants seeking certification under this mechanism must have met requirements equal to those established above. Certification issued in this manner will be valid for three years from date of issuance or the expiration date of the certificate upon which EPA certification was based, whichever occurs first.

5. *Non-Readers.* Region VIII will certify non-readers for the use of a single product for specific use(s), if the individual seeking certification successfully completes an approved training course or passes an oral examination approved by Region VIII. Such training or testing shall incorporate a specific procedure relating to label comprehension, as described at 40 CFR 171.5(b)(1).

All private applicators will be required to be recertified every three years. Private applicators may be recertified by successful completion of one of the options available for original certification.

To ensure that certified applicators comply with standards for the use of restricted use pesticides and to provide adequate supervision of noncertified applicators, EPA inspectors will investigate incidents, accidents and complaints related to pesticide use. EPA inspectors will also make routine inspections of pesticide manufacturers, distributors, dealers and users.

In cases where misuse occurs, EPA, may, if appropriate, modify, suspend or revoke a certificate or take action under section 14 of the amended FIFRA. Under section 14, EPA has the authority to assess both civil and criminal penalties. Commercial applicators, wholesalers, dealers, retailers or other distributors can be assessed up to a \$5,000 fine for each offense as civil penalties and up to a \$25,000 fine or imprisonment, for not more than one year, or both, for each offense as criminal penalties. Private applicators, subsequent to receiving a written warning, can be assessed a civil penalty up to \$1,000, or a criminal penalty of not more than a \$1,000 fine and/or imprisonment for not more than 30 days, for each offense.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the pro-

posed Federal certification program for the State of Colorado to the Chief, Pesticides Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Suite 103, Denver, Colo. 80295. Comments must be received on or before March 17, 1978, and should bear the identifying notation (OPP-42037C). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned location from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: February 3, 1978.

JERRY W. RAISCH,
Acting Regional Administrator,
Region VIII.

[FR Doc. 78-4080 Filed 2-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1-431]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing.

JANUARY 30, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Texas, 219-DSE-P/L-78 Community Telecommunications, Inc., Huntsville Texas, for authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 30°41'56" N. Long. 95°33'39" W. Rec. freq: 3500-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Oklahoma, 255-DSE-AL-78 Kansas State Network, Inc., Chickasha, Oklahoma (KE89), assignment of license to Kansas State Network, Inc. From: Cablevision of Chickasha Co.

South Dakota, 248-DSE-P/L-78 Central Plains Cable TV, Inc., Mitchell, South Dakota, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 43°42'02" N. Long. 98°00'39" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Florida, 249-DSE-P/L-78 Teleprompter Corp., New Fort Richey, Fla., authority to construct, own and operate a domestic communications satellite receive-only

Earth station at this location. Lat. 28°14'40" N. Long. 82°42'05" W. Rec. freq: 3700-4200 MHz. Emission. 36000F9. With a 6 meter antenna.

New Mexico, 250-DSE-P/L-78 Teleprompter Corp., Lovington, New Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°57'32" N. Long. 103°21'15" W. Rec. freq: 3700-4200 MHz. Emission. 36000F9. With a 4.5 meter antenna.

Tennessee, 251-DSE-P/L-78 FNI Communications Co., Cookeville, Tennessee, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°09'44" N. Long. 85°29'49" W. Rec. freq: 3700-4200 MHz. Emission. 36000F9. With a 4.3 meter antenna.

New Mexico, 252-DSE-P/L-78 Teleprompter Corp., Portales, New Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 34°09'48" N. Long. 103°20'20" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

Mississippi, 253-DSE-P/L-78 Vicksburg Video, Inc., Vicksburg, Miss., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°21'21" N. Long. 90°48'50" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

Wisconsin, 254-DSE-P/L-78 American Television & Communications Corp., Eau Claire, Wis., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 44°48'34" N. Long. 91°34'06" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

New Mexico, 256-DSE-P/L-78 Sun Cable TV, Inc., Deming, N. Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°18'24" N. Long. 107°45'10" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Louisiana, 257-DSE-P/L-78 Telecable, Inc., Jonesboro, La., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°15'11" N. Long. 92°42'46" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Alaska, 258-DSE-P-78 University of Alaska, Fairbanks, Alaska, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 64°55'30" N. Long. 147°59'38" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

SATELLITE COMMUNICATIONS SERVICES:

New Mexico, 262-DSE-P/L-78 Hurley Cable TV, Inc. (near) Hurley, N. Mex. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°42'44" N. Long. 108°07'54" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

Washington, 261-DSE-P/L-78 American Satellite Corp., Kent, Wash. Authority to construct, and operate a transmit/receive

Earth station at this location: Lat. 47°25'06" N. Long. 122°15'31" W. Transmit freq: 5925-6425 MHz. and Rec. freq: 3700-4200 MHz. Emission 90F9Y. With a 5 meter antenna.

North Carolina, 264-DSE-P/L-78 Southern Communications Corp., Roanoke Rapids, N.C. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°25'16" N. Long. 77°38'25" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

West Virginia, 265-DSE-P/L-78 Video Cable Co., Inc., Princeton, W. Va. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 37°24'03" N. Long. 81°05'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

4-DSS-P-78, 5-DSS-P-78, 6-DSS-P-78, 7-DSS-P-78, 8-DSS-P-78, 9-DSS-P-78, 10-DSS-P-78 Western Union Space Communications, Inc. Applications for authority to construct commercial systems of 7 space stations for Advanced WESTAR domestic satellite communications in the 4/6/12/14 GHz bands.

The proposed construction program consists of 5 complete satellites and components for sixth and seventh satellites. Commercial domestic satellite services would be provided by means of the following facilities to be incorporated into each satellite:

(a) 12 transponders transmitting in the 3700-4200 MHz band and receiving in the 5925-6425 MHz band, nominal 36000F9 emission, with a nominal EIRP of 33 dBW and a nominal G/T of -7.4 dB/K over the continental United States, and transponder transmit center frequencies of 3720, 3760, 3800, 3840, 3880, 3920, 3960, 4000, 4040, 4080, 4120 and 4160 MHz (horizontal polarization);

(b) 4 transponders transmitting in the 11.7-12.2 GHz band and receiving in the 14.0-14.5 GHz band, nominal 225000F9 emission (supporting 250 Mbps QPSK), obtained through the use of multiple antenna beams, cross-polarization and satellite switched TDMA, transponder transmit center frequencies are at 11.8125 and 12.0875 GHz with horizontal, vertical and circular polarizations, with nominal EIRP's between 42.0 and 50.3 dBW and nominal G/T's between -5.0 and 4.4 dB/K.

Normal commercial T.T. & C. operations are to be conducted at 11.939 GHz (telemetry), 14.236 GHz (Command) and 14.250 GHz (pilot).

New Mexico, 263-DSE-P-78 Western Union Space Communications, Inc., White Sands, N. Mex. Application for authority to construct a T.T. & C. Earth station for operations with Advanced WESTAR satellites. Lat. 32°30'03" N. Long. 106°36'31" W. Trans. freq: 14.2359625 GHz, 14.250 GHz, 3000F9, 64 dBW EIRP. Rec. freq: 11.939 GHz, 10000F9 with a 4.5 meter antenna.

Informative.—Each of these spacecraft will be capable of operating as government radio stations in the 2.0-2.3, 13.4-14.05 and 14.6-15.23 GHz bands in the Tracking and Data Relay Satellite System of NASA or as commercial domestic satellite facilities in

the bands specified above. The planned in-orbit configuration consists of two satellites dedicated to TDRSS, one dedicated for advanced WESTAR at 103° West Longitude, and an in-orbit spare for all 3 at 99° West Longitude, with the fifth complete satellite an on-the-ground spare. Alternative orbital locations for the dedicated Advanced WESTAR and in-orbit spare satellites are discussed in the applications, and orbital locations will be assigned by the Commission taking all factors into account, including international frequency coordination.

[FR Doc. 78-4089 Filed 2-14-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: February 7, 1978.

Released: February 13, 1978.

Notice is hereby given, pursuant to § 1.572(c) and 1.573(d) of the Commission's rules, that on April 16, 1978, the TV and FM translator applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's rules, and application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 15, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 15, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

FM TRANSLATOR APPLICATIONS

BMPFT-57 (K296BB), Rifle and Anvil Points, Colo., Mesa Broadcasting Co. Req: Change output frequency to Channel 261, 100.1 MHz, change principal community to Rifle, Colo.

BMPFT-59 (K252AB), Livingston, Mont., Christian Enterprises, Inc. Req: Change output frequency to Channel 257, 99.3 MHz.

BPFT-488 (new), East Salt Creek and West Douglas Creek rural area, Colorado, Mesa Broadcasting Co. Req: Channel 261, 100.1 MHz, 10 watts. Primary: KQIX-FM, Grand Junction, Colo.

BPFT-489 (new), Weaverville, Douglas City Junction, Calif., Weaverville Translator Co., Inc. Req: Channel 288, 105.5 MHz, 10 watts. Primary: KPAY-FM, Chico, Calif.

BPFT-490 (new), Weaverville, Douglas City, Junction City, Calif., Weaverville Translator Co., Inc. Req: Channel 292, 106.3 MHz, 10 watts. Primary: KFMF-FM, Chico, Calif.

BPFT-492 (new), Roanoke, Sugar Loaf area, Va., Commonwealth of Virginia, State Board for Community Colleges, Virginia Western Community College. Req: Channel 211, 90.1 MHz, 1 watt. Primary: WVWR-FM, Roanoke, Va.

BPFT-493 (new), Monticello-Blanding and Canyonlands National Park, Utah, Radio San Juan, Inc. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KRSJ-FM, Durango, Colo.

BPFT-496 (new), "up country", Maui, Hawaii, Maui Broadcasting Corp. Req: Channel 244, 96.7 MHz, 10 watts. Primary: KAOI-FM, Wailuku, Hawaii.

BPFT-497 (new), Homer, Alaska, KSRM, Inc. Req: Channel 265, 100.9 MHz, 10 watts. Primary: KOOK-FM, Kenai, Alaska.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3490 (K66AD), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 58, 734-740 MHz.

BPTT-3491 (K80AL), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 66, 782-788 MHz.

BPTT-3492 (K82BN), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 68, 794-800 MHz.

BPTT-3493 (new), Wolf Point, Mont., Poplar TV District. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KFBB-TV, Great Falls, Mont.

BPTT-3494 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 63, 764-770 MHz, 20 watts. Primary: KAMR-TV, Amarillo, Tex.

BPTT-3495 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 65, 776-782 MHz, 20 watts. Primary: KAUZ-TV, Wichita Falls, Tex.

BPTT-3496 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 67, 788-794 MHz, 100 watts. Primary: KVII-TV, Amarillo, Tex.

BPTT-3497 (new), Hollis, Gould, Duke, Vinson, and Reed, Okla., Southwest TV Translator System. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KAMR-TV, Amarillo, Tex.

BPTT-3498 (new), Hollis, Gould, Duke, Vinson, and Reed, Okla., Southwest TV Translator System. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KAUZ-TV, Wichita Falls, Tex.

BPTT-3499 (new), Hollis, Gould, and Duke, Okla., Southwest TV Translator System. Req: Channel 59, 740-746 MHz, 100 watts. Primary: KVII-TV, Amarillo, Tex.

VHF TV TRANSLATOR APPLICATIONS

- BMPTT-969 (K78CG), Salmon, Idaho, Lemhi Television Corp. Req: Change frequency to Channel 65, 776-782 MHz.
- BPTT-3500 (new), Stroudsburg, Pa., NEP Communications, Inc. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WNEP-TV, Scranton-Wilkes Barre, Pa.
- BPTT-3501 (new), Rock Rapids and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 25, 536-542 MHz, 1 watt. Primary: KSIN-TV, Sioux City, Iowa.
- BPTT-3502 (new), Sibley and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 33, 584-590 MHz, 1 watt. Primary: KSIN-TV, Sioux City, Iowa.
- BPTT-3503 (new), Fort Madison and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 38, 614-620 MHz, 1 watt. Primary: KIIN-TV, Iowa City, Iowa.
- BPTT-3504 (new), Keosauqua and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KIIN-TV, Iowa City, Iowa.
- BPTT-3509 (new), Alexandria and Douglas County, Minn., Central Minnesota Television Co. Req: Channel 60, 746-752 MHz, 100 watts. Primary: KDAL-TV, Duluth, Minn.
- BPTT-3510 (new), Alexandria and Douglas County, Minn., Central Minnesota Television Co. Req: Channel 58, 734-740 MHz, 100 watts. Primary: WIRT-TV, Hibbing, Minn.
- BPTT-3511 (K57AL), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change principal community to Thoreau, N. Mex.
- BPTT-3512 (K72CN), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change frequency to Channel 55, 716-722 MHz, change principal community to Thoreau, N. Mex., increase output power to 100 watts.
- BPTT-3513 (K80CA), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change frequency to Channel 59, 740-746 MHz, change principal community to Thoreau, N. Mex., increase output power to 100 watts.
- BPTT-3514 (K55AY), Window Rock and Fort Defiance, Ariz., The Navajo Tribe. Req: Change frequency to Channel 87, 788-794 MHz, add St. Michaels, Ariz., to present principal community.
- BPTT-3515 (K72AP), Window Rock, Fort Defiance, and St. Michaels, Ariz., The Navajo Tribe. Req: Change frequency to Channel 65, 776-782 MHz, increase output power to 100 watts.
- BPTT-3516 (K80AM), Window Rock, Fort Defiance, and St. Michaels, Ariz., The Navajo Tribe. Req: Change frequency to Channel 69, 800-806 MHz, increase output power to 100 watts.
- BPTT-3505 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 62, 758-764 MHz, 100 watts. Primary: KTCA-TV, St. Paul, Minn.
- BPTT-3524 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 56, 722-728 MHz, 100 watts. Primary: WCCO-TV, Minneapolis, Minn.
- BPTT-3525 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 40, 626-632 MHz, 100 watts. Primary: KMSP-TV, Minneapolis, Minn.
- BPTT-3526 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 38, 614-620 MHz, 100 watts. Primary: WTCN-TV, Minneapolis, Minn.

- BPTTV-6003 (new), West Glacier, Martin City, Coram, and Hungry Horse, Mont., Desert Mountain TV Association. Req: Channel 10, 192-198 MHz, 5 watts. Primary: KHQ-TV, Spokane, Wash.
- BPTTV-6004 (K07IT), West Glacier, Mont., Desert Mt. TV Association. Req: Add Coram, Martin City, and Hungry Horse, Mont., to present principal community increase output power to 5 watts.
- BPTTV-6005 (K11KH), West Glacier Area, Mont., Desert Mt. TV Association. Req: Change frequency to Channel 12, 204-210 MHz, add Coram, Martin City, and Hungry Horse, Mont., to present principal community, increase output power to 5 watts.
- BPTTV-6006 (new), Soda Springs, Grace, and Bancroft, Idaho, Caribou County TV Association. Req: Channel 12, 204-210 MHz, 10 watts. Primary: KBGL-TV, Pocatello, Idaho.
- BPTTV-6007 (K130K), Silver Springs, Nev., American Legion Post No. 13. Req: Change frequency to Channel 12, 204-210 MHz.
- BPTTV-6008 (new), Poplar, Mont., Poplar TV District. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KFBB-TV, Great Falls, Mont.
- BPTTV-6009 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 6, 82-88 MHz, 10 watts. Primary: KOLO-TV, Reno, Nev.
- BPTTV-6010 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KCRL-TV, Reno, Nev.
- BPTTV-6011 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KTVN-TV, Reno, Nev.
- BPTTV-6012 (K13JK), Newcastle, Wyo., Newcastle TV Association, Inc. Req: Add Lak Draw, Skull Creek, and Mondell, Wyo., to present principal community, increase output power to 10 watts and change primary TV station to KIVV, channel 5, Lead, S. Dak.
- BPTTV-6013 (K04GW), Spearfish, S. Dak., State Board of Directors for Educational Television. Req: Change primary station to KPSD-TV, Channel 13, Eagle Butte, S. Dak.

[FR Doc. 78-4128 Filed 2-14-78; 3:45 am]

[6712-01]

[BC Docket No. 78-48; File No. BRED-54; FCC 78-73]

RESEARCH EDUCATIONAL FOUNDATION, INC.; STATION KVTT(FM)

Renewal of License; Order and Notice of Apparent Liability

Adopted: February 6, 1978.

Released: February 8, 1978.

By the Commission: Commissioner White concurring and issuing a statement in which Commissioners Washburn and Brown join.

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Research Educational Foundation, Inc., of Station KVTT(FM), Dallas, Tex.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore designate the application for hearing.

3. Accordingly, *It is ordered*, That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the current officers and directors of the licensee corporation assumed control of Station KVTT(FM) without the required Commission authorization, in violation of Section 310(d) of the Communications Act.

(b) To determine whether, and if so, the extent to which, officers and directors of the licensee corporation made misrepresentations to the Commission or were lacking in candor.

(c) To determine whether the station has broadcast programs containing announcements promoting the sales of products or services in violation of § 73.503(d) of the Commission's Rules.

(d) To determine whether the station has charged program suppliers for broadcast time in violation of § 73.503(c) of the Commission's Rules.

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a), (b), (c), and (d).

5. *It is further ordered* That, if it is determined that the hearing record does not warrant an Order denying the captioned application for renewal of license for Station KVTT(FM), it shall also be determined whether the applicant has willfully or repeatedly violated §§ 73.503(c) and 73.503(d) of the Commission's Rules, and Section 310(d) of the Communications Act.¹ If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser

¹ See Bill of Particulars for specific dates and details of each alleged violation.

amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of §§ 73.503(c) and 73.503(d) of the Commission's Rules. The Commission has determined that, in every case designed for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that the inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgement is, of course, to be made on the facts of each case.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a), (b), (c), and (d) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by section 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested to Research Educational Foundation, Inc., licensee KVTM-FM, Dallas, Tex.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

STATEMENT OF COMMISSIONER MARGITA E. WHITE, JOINED BY COMMISSIONERS TYRONE BROWN AND ABBOTT M. WASHBURN

I concur with the decision of the Commission to designate this application for hearing. I do not agree, however, that Issue (C), concerning Rule 73.503(d), should have been included.

The sole basis for this issue arises apparently from one "commercial" which was taped by a rival broadcaster and sent to the Commission, the suspicions of the Commission staff, and a statement of KVTM officials that there may have been "a few (3 or 4) programs with commercial content which slipped by." On the other hand, KVTM officials also stated that the policy is to delete all commercial content; none of KVTM's program suppliers contacted by the Commission staff gave any evidence of commercial broadcasts; and tapes of FCC monitoring during the investigation of the station, over 3 days, do not contain any commercials.

I believe the Commission should designate issues for hearing and issue notices of apparent liability only where the evidence on hand, if true, would reasonably support a forfeiture or other penalty. In my judgment the evidence in this case is insufficient to support a forfeiture for either "willful or repeated" violation of the rule, and I therefore would not include the issue in the designation order.

[FR Doc. 78-4130 Filed 2-14-78; 8:45 am]

[6712-01]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: February 7, 1978.

Released: February 13, 1978.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's Rules, that on April 6, 1978, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 5, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on April 5, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

- BP-20,153 KDWN, Las Vegas, Nev., Radio Nevada Corp. Has: 720 kHz, 10 kW, 50 kW-LS, DA-N, U. Req: 720 kHz, 50 kW, DA-N, U.
- BP-20,287 WJSO, Jonesboro, Tenn., Mountain View Broadcasting Co. Has: 1590 kHz, 5 kW, Day. Req: 1590 kHz, 5 kW, DA-N, U.
- BP-20,320 WLOD, Pompano Beach, Fla., Sunrise Broadcasting Corp. Has: 980 kHz, 1 kW, DA-Day. Req: 980 kHz, 500W, 2.5 kW-LS, DA-2, U.
- BP-20,383 WCHB, Inkster, Mich., Bell Broadcasting Co. Has: 1440 kHz, 500W, 1 kW-LS, DA-2, U. Req: 1440 kHz, 1 kW, DA-2, U.
- BP-20,384 KUXL, Golden Valley, Minn., Universal Broadcasting Co. of Minneapolis-St. Paul, Inc. Has: 1570 kHz, 1 kW, Day. Req: 1570 kHz, 2.5 kW, Day.
- BP-20,385 WJBQ, Westbrook, Maine, Chandler Broadcasting, Inc. Has: 1440 kHz, 5 kW, Day. Req: 1440 kHz, 5 kW, DA-N, U.
- BP-20,391 WACK, Newark, N.Y., Pembroke Pines, Inc. Has: 1420 kHz, 500 W, Day. Req: 1420 kHz, 500 W, DA-N, U.
- BP-20,393 New, Conroe, Tex., Montgomery Metro, Inc., Req: 1140 kHz, 250 W, Day.
- BP-20,397 WAEN, Honesdale, Pa., WHPA Broadcasting Corp. Has: 1590 kHz, 500 W, Day. Req: 1590 kHz, 2.5 kW, Day.
- BP-20,400 KERR, Polson, Mont., KBMR Radio, Inc. Has: 1070 kHz, 1 kW, 25 kW-LS, DA-N, U. Req: 1070 kHz, 1 kW, 50 kW-LS (25 kW-CH), DA-N, U.
- BP-20,401 KHAC, Window Rock, Ariz., The Navajo Bible School and Mission. Has: 1300 kHz, 1 kW, Day. Req: 1110 kHz, 10 kW (2.5 kW-CH), Day.
- BP-20,406 KSTV, Stephenville, Tex., Dixie Broadcasters, Has: 1510 kHz, 250 W, Day. Req: 1510 kHz, 500 W, Day.
- BP-20,407 New, Batesville, Ark., Maggie, Inc. Req: 1130 kHz, 250 W, DA-Day.
- BP-20,409 New, Lewisburg, Tenn., Lewisburg Radio Co. Req: 1220 kHz, 250 W, DA-Day.
- BP-20,410 New, Dansville, N.Y., Dansville Broadcasting Co., Inc. Req: 1600 kHz, 500 W, Day.
- BP-20,411 WJES, Johnston, S.C., Edgefield-Saluda Radio Co., Inc. Has: 1570 kHz, 250 W, Day. Req: 1190 kHz, 1 kW, Day.
- BP-20,414 WVAL, Sauk Rapids, Minn., Tri-County Broadcasting Co. Has: 800 kHz, 250 W, D. Req: 800 kHz, 2.5 kW, DA-Day.
- BP-20,416 WKSP, Kingstree, S.C., Williamsburg County Broadcasting Corp. Has: 1090 kHz, 500 W, Day. Req: 1090 kHz, 1 kW, Day.
- BP-20,417 KMAS, Shelton, Wash., ABT, Inc. Has: 1280 kHz, 1 kW, Day. Req: 1280 kHz, 2.5 kW, DA-Day.
- BP-20,418 New, La Follette, Tenn., La Follette Broadcasters, Inc. Req: 960 kHz, 1 kW, DA-Day.
- BP-20,420 WISS, Berlin, Wis., Kingsley H. Murphy, Jr. Has: 1090 kHz, 250 W, Day. Req: 1090 kHz, 500 W, DA-Day.
- BP-20,422 KGHS, International Falls, Minn., KGHS, Inc. Has: 1230 kHz, 250 W, U. Req: 1230 kHz, 250 W, 500 W-LS, U.
- BP-20,424 WTKY, Tompkinsville, Ky., J. K. Whitmore, Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 2.5 kW, Day.
- BP-20,425 WYXI, Athens, Tenn., 3 J's Broadcasting Co. Has: 1390 kHz, 500 W, Day. Req: 1390 kHz, 2.5 kW, Day.

- BP-20,427 New, Ashland City, Tenn., Lester Vihon. Req: 1540 kHz, 250 W, DA-Day.
- BP-20,431 WESA, Charleroi, Pa., Laubach Radio Properties, Inc. Has: 940 kHz, 250 W, Day. Req: 940 kHz, 1 kW, DA-Day.
- BP-20,432 KRDS, Tolleson, Ariz., Southwestern Broadcasters, Inc. Has: 1190 kHz, 250 W, DA-1. U. Req: 1190 kHz, 250 W, 5 kW-LS, DA-2, U.
- BP-20,438 WQB, Blacksburg, Va., Radio Montgomery, Inc. Has: 710 kHz, 5 kW, DA-Day. Req: 710 kHz, 10 kW, DA-Day.
- BP-20,440 New, LaFayette, Ala., East Alabama Broadcasting Co. Req: 910 kHz, 1 kW, Day.
- BP-20,443 New, Harrison, Ark., Harrison Radio Station, Inc. Req: 1530 kHz, 500 W, Day.
- BP-20,444 New, Vienna, Ga., Dooly County Broadcasting Corp. Req: 1550 kHz, 1 kW, Day.
- BP-20,445 New, Horseshoe Bend, Ark., H&W Broadcasting Co. Req: 1000 kHz, 250 W, Day.
- BP-20,447 WHHL, Pine Castle-Sky Lake, Fla., Borgen & Murphy. Has: 1190 kHz, 250 W, Day. Req: 1190 kHz, 1 kW, Day.
- BP-20,448 KZIA, Albuquerque, N. Mex., ZIA Telecommunications, Inc. Has: 1580 kHz, 1 kW, Day. Req: 1580 kHz, 10 kW, Day.
- BP-20,453 KKA, Aberdeen, S. Dak., Dakota-North Plains Corp. Has: 1560 kHz, 5 kW, DA-2, U. Req: 1560 kHz, 5 kW, 10 kW-LS, DA-2, U.
- BP-20,454 New, St. Paul, Va., Yeary Broadcasting, Inc. Req: 1140 kHz, 1 kW, Day.
- BP-20,459 New, England, Ark., Lonoke Broadcasting Co. Req: 1530 kHz, 250 W, Day.
- BP-20,461 New, Albia, Iowa, Albia Broadcasting Co., Inc. Req: 1370 kHz, 500 W, DA-Day.
- BP-20,463 WGGO, Salamanca, N.Y., Altair Communications, Inc. Has: 1590 kHz, 1 kW, Day. Req: 1590 kHz, 5 kW, Day.
- BP-20,481 WWBK, Brockport, N.Y., Canal Communications, Inc. Has: 1560 kHz, 1 kW, DA-Day. Req: 1590 kHz, 1 kW, DA-2, U.
- BP-20,748 WJRO, Glen Burnie, Md., WISZ, Inc. Has: 1590 kHz, 500 W, DA-2, U. Req: 1590 kHz, 1 kW, DA-2, U.
- BP-20,877 WLTD, Evanston, Ill., Kovas Communications, Inc. Has: 1590 kHz, 1 kW, Day. Req: 1590 kHz, 2.5 kW, 1 kW-LS, DA-N, U.
- BP-21,010 New, South Boston, Va., WODY, Inc. Req: 1560 kHz, 2.5 kW, (250 W-CH), Day.
- BP-21,021 KTYM, Inglewood, Calif., Trans-America Broadcasting Corp. Has: 1460 kHz, 5 kW, DA-Day. Req: 1460 kHz, 500 W, 5 kW-LS, DA-2, U.
- BP-21,033 WSRC, Durham, N.C., Carolina Radio of Durham, Inc. Has: 1410 kHz, 1 kW, Day. Req: 1410 kHz, 5 kW, DA-Day.
- BP-21,037 New, Bluefield, Va., Bluefield Broadcasting Co., Inc. Req: 1190 kHz, 10 kW, DA-Day.
- BP-21,049 New, Huntingdon, Pa., Raystown Radio, Inc. Req: 1080 kHz, 1 kW, DA-Day.
- BP-21,111 New, Harrison, Ark., Bowman & Loveland Broadcasting Co., Inc. Req: 1530 kHz, 500 W, Day.

[FR Doc. 78-4129 Filed 2-14-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 77-35]

PUBLICATION OF INACTIVE TARIFFS BY CARRIERS IN FOREIGN COMMERCE

Persons not actively carrying cargo (or clearly committed to commence carrying cargo) between ports named in a published tariff at the rates stated therein are not common carriers by water within the meaning of Shipping Act section 18(b) and Part 536 of the Commission's rules, and their tariffs in such unserved trades are subject to cancellation.

Stanley O. Sher, John R. Attanasio, for Concordia Line, Edward Aptaker, for Farrell Lines, Inc. John Robert Ewers, Paul J. Kaller, Bert I. Weinstein, Hearing Counsel.

REPORT AND ORDER

By the Commission: (Richard J. Daschbach, Chairman; Thomas F. Moakley, Vice Chairman; Karl E. Bakke, James V. Day, and Clarence Morse, Commissioners).

This proceeding was commenced by an Order directing some 338 common carriers by water in the foreign commerce of the United States (Respondents) to show cause why 752 specified tariffs published by them and maintained on file with the Commission should not be cancelled on the grounds that said tariffs do not reflect an active, bona fide offering of common carrier service.

Fifty-nine Respondents filed amendments expressly cancelling 170 of the subject tariffs, thereby mooted any need to inquire further into their status.¹ Another group of 246 Respondents either did not reply to the Show Cause Order and its invitation to submit supporting affidavits of fact and memoranda of law, or consented to cancellation insofar as another 484 tariffs were concerned.² In light of these Respondents' failure to contest cancellation and failure to amend the subject tariffs for at least 18 months, it is concluded that the tariffs in question do not describe an active common carrier service and should be cancelled as contrary to section 18(b) of the Shipping Act, 1916, and the Commission's tariff filing regulations (46 CFR Part 536). Publication of Inactive Tariffs, 17 SRR 471, 472 (1977); Sugar From Virgin Islands to United States, 1 U.S.M.C. 695, 699-700 (1938); Intercoastal Schedules of Hammond Shipping Co., Ltd., 1 U.S.S.B. 606, 607 (1936); Intercoastal Investigation, 1935, 1 U.S.S.B. 400, 449 (1935).

¹This group of tariffs and their cancellation dates are listed in Appendix "A" hereto.

²Some carriers in this group did raise objections concerning other of their tariffs, however.

A total of 40 Respondents opposed the cancellation of 68 different tariffs, some by filing a timely affidavit as required by the Commission's Show Cause Order, but most by submitting unsworn written communications or tariff amendments.³ A Reply Memorandum was filed by the Commission's Bureau of Hearing Counsel, and seven carriers responded to that Memorandum.⁴ These submissions contain sufficient evidence of common carrier activity or of oversights in the Show Cause Order to warrant the continued publication of 29 of the subject tariffs by their respective carriers.⁵ We turn now to those relatively few tariffs whose status remains a matter of controversy.

Twelve Respondents filed brief, unsworn statements asserting that certain tariffs were indeed active.⁶ Their letters do not even suggest that actual

³Alcoa Steamship Co.; Baltic Shipping Co.; Blue Star Line, Ltd.; British M/V "Dram Buoy"; British M/V "Fendo"; British M/V "Mary Ann Kate"; British M/V "Primavera"; Central Gulf Contramar Line; Central Gulf Lines, Inc.; Campagne Generale Maritime; Compania Maritime Del Nervion, S.A.; Concordia Line; Constellation Line; Dart Container Line, Inc.; Deppe Line; The East Asiatic Co., Ltd.; Farrell Lines, Inc.; Hapag-Lloyd, A.G.; Thos. & Jas. Harrison, Ltd.; Hellenic Lines, Ltd.; Japan Line, Ltd.; Koninklijke Nedlloyd; Koninklijke Nedlloyd (Nedlloyd, Inc.); Koninklijke Nedlloyd, B.V.; Kirkpride Shipping Co., Ltd.; Leonard Cephas; Bernard W. Roberts; Jugolnja-Rijeka, Yugoslavia; Jugoslavenska Oceanska Plovidba; A. P. Moller-Maersk Line; Maritime Co. of the Philippines; Marcella Shipping Co., Ltd.; Navimex, S.A.; Orient Overseas Lines; Regent Line; Spanish North American Line; Torm Lines; Valocean Line; Victoria Line; Sands Construction & Shipping Co., Inc.

⁴Dart Containerline, Inc.; Hellenic Lines, Ltd.; Farrell Lines, Inc.; A. P. Moller-Maersk Line; Concordia Line; and Torm Lines. The filing of answers was permitted by Order of the Commission served October 21, 1977.

⁵The tariffs of the following 22 carriers shall not be cancelled.

Central Gulf Contramar Line (FMC-25); Central Gulf Lines (FMC-12 and FMC-14); Compania Sud American De Vapores, S.A. (FMC-6); Concordia Line (FMC-20); Constellation Line (FMC-22); Dart Containerline, Inc. (FMC-11); Deppe Line (FMC-32 and FMC-33); The East Asiatic Co., Ltd. (FMC-7); Blue Star Line, Ltd. (FMC-5); Hapag-Lloyd, A.G. (FMC-43); Thos. & Jas. Harrison, Ltd. (FMC-2, FMC-3 and FMC-6); Japan Line, Ltd. (FMC-9); Jugolnja-Rijeka, Yugoslavia (FMC-39); Jugoslavenska Oceanska Plovidba (FMC-10); Marcella Shipping Co., Ltd. (FMC-1); Maritime Co. of the Philippines (FMC-14); Navimex, S.A. (FMC-1, FMC-3, FMC-4); Orient Overseas Line (FMC-30); Spanish North American Line (FMC-1); Torm Lines (FMC-23 and FMC-26); Valocean Line (FMC-2); and Victoria Line (FMC-1).

⁶Hellenic Lines, Ltd. (FMC-3, FMC-8, FMC-9, FMC-11, FMC-12 and FMC-23); Leonard Cephas (FMC-1); Bernard W. Roberts (FMC-1); Koninklijke Nedlloyd (FMC-

(Continued)

cargo carrying, regularly scheduled voyages, or ongoing cargo solicitation were being provided. No recent bills of lading, sailing schedules, agency contracts, trade advertisements or other evidence of serious and continuing commercial activity were furnished. Such a meager response is insufficient to overcome the presumption that active common carrier service has ceased which is created by Respondents' failure to amend the subject tariffs for the last two to eight years. Accordingly, the tariffs of these twelve carriers will be cancelled.

A. P. Moller-Maersk Line (Maersk) asserts that trade to the Red Sea/Gulf of Aden, and to India, Pakistan and Ceylon is heavily one-sided inbound from the United States. Such a situation might sufficiently explain some 18 months of tariff inactivity by Maersk if Maersk had actually been serving the inbound trades during the same period (thereby providing regular outbound cargo capacity). Maersk admits, however, that its vessels only "pass through the Red Sea," and come within "geographical proximity of India, Pakistan, and Ceylon." This standing-in-the-wings arrangement cannot be considered a bona fide common carrier service to the Near East ports listed in the subject tariffs. Accordingly, Maersk's Tariff Nos. FMC-67, FMC-68 and FMC-69 will be cancelled.

Alcoa Steamship Co., Inc. (Alcoa), also admits that it does not serve Haiti or the Netherlands Antilles, but, unlike Maersk, it further claims to be actively soliciting Haitian business through a "long-standing relationship" with a shipping agency in Port-au-Prince, while maintaining regular voyages to nearby Caribbean islands. Alcoa did not present evidence of recent cargo carryings or other factors which would demonstrate that the subject tariff represents a commercially realistic offer of transportation service. A tariff maintained solely for the purpose of obtaining a competitive edge over carriers who have not filed tariffs in a given trade—by avoiding the 30 days' notice or FMC Special Permission requirements of Shipping Act section 18(b) prior to entering a trade—is a "paper tariff." Paper tariffs do not contain rates which are commercially attractive to ordinary shippers, but do allow the carrier to quickly reduce rates whenever a large enough shipment is tendered to make

a vessel call profitable. The Commission does not permit the filing of such tariffs because they are essentially misleading to the shipping public, potentially unfair to smaller shippers and carriers attempting to maintain regular schedules in the trade, encourage misunderstandings and sharp practices (if not actual malpractices), and impose an unnecessary administrative burden upon the Commission's staff. Accordingly, Alcoa's Tariff No. FMC-15 will be cancelled.

Baltic Shipping Co. (Baltic); Torm Lines; Farrell Lines, Inc.; Concordia Line; Hapag-Lloyd, A.G. (Hapag); Compagnie Generale Maritime (French Line); and Compania Maritima Del Nervion, S.A. (Nervion Line), present essentially the same arguments as Maersk and Alcoa. They wish to retain tariffs to areas not now receiving vessel service in order to facilitate prompt entry into trades geographically related to those in which they do offer regular voyages. In each instance, actual common carrier service is in fact conditioned upon the appearance of sufficient quantities of cargo to make a special vessel call worthwhile. The Commission will therefore cancel Baltic's Tariff No. FMC-3; Farrell Line's Tariff Nos. FMC-27, FMC-31 and FMC-32; Torm Lines' Tariff Nos. FMC-27, FMC-34 and FMC-35; Concordia Lines' Tariff Nos. FMC-1, FMC-12 and FMC-14; Hapag's Tariff No. FMC-102; French Line's Tariff No. FMC-16 and Nervion Line's Tariff Nos. FMC-6, FMC-7 and FMC-8.

Maritime Co. of the Philippines (MCP) opposed the cancellation of its tariffs from Hawaii and Puerto Rico to the Far East because "pending sugar mill movements" make them "potentially active," despite the absence of vessel calls at Hawaii and Puerto Rico in recent years. Without further information establishing that the "pending sugar movements" are reasonably imminent and likely to result in actual vessel calls at the rates stated in MCP's tariffs, MCP Tariff Nos. FMC-6 and FMC-10 must also be deemed "paper tariffs," subject to cancellation for not reflecting a bona fide common carrier service.

Farrell and Concordia further argue that because the Shipping Act, 1916, does not require a carrier to maintain service with a "prescribed regularity" the Commission may not prohibit carriers from publishing tariffs which provide for vessel calls on a "by inducement" basis. This proposition is untenable. Shipping Act section 18(b) applies only to common carriers by water and the Commission has held that carriers who serve a trade "by inducement only" are not common carriers by water for the purpose of pub-

lishing a tariff covering that trade.¹ It has, in effect, defined common carriage for tariff filing purposes as commercial activity which demonstrates a clear intention to move cargo under the proffered tariff within a commercially reasonable period of time subsequent to filing. It is unnecessary to find that Respondents have actually refused cargoes tendered for carriage at their published tariff rates as occurred in *Ghezzi Trucking, Inc.*, 13 F.M.C. 253 (1970) and *Intercoastal Charters*, 2 U.S.M.C. 154 (1939).² It is enough that there has been an extended period within which no common carrier service has been provided to the subject trades.

Concordia also claims that the instant proceeding is unfair because it challenges the legitimacy of only those tariffs which have not recently been amended and does not include (1) tariffs which have been so amended, but are nonetheless inactive, or (2) tariffs which list "ranges" of ports served, without noting that the publishing carrier customarily withholds vessel calls from one or more ports within the specified range.

The Commission is not favoring form (mere tariff amendment) over substance (carrier inactivity). Suffice it to say, the present method of proceeding was chosen for the sake of administrative convenience as a rational first step dictated by the difficulty of gathering current and detailed operating data on the almost 1,000 different common carriers by water operating under FMC tariffs. When carrier inactivity is in fact established, appropriate action will be taken without regard to the length of time which has elapsed between tariff amendments. See discussion of Trans-Globe Shipping in Publication of Inactive Tariffs, supra, at 472. Moreover, the Commission's revisions to its foreign commerce tariff filing regulations (General Order 13, 42 FR 59265) which take effect January 1, 1978 will curb the practice of calling at individual ports within a stated range of ports on a "by inducement only" basis.³ 42 FR 59269;

¹Cases cited above. Respondents attempt to distinguish three of these decisions on the grounds that they dealt with domestic offshore rather than foreign commerce, but this distinction is without present significance. The fact that 30 days' notice must be given before section 2 tariffs may be canceled is not relied upon therein, and there is no substantive difference between the requirements of Intercoastal Shipping Act section 2 and Shipping Act section 18(b) concerning common carrier status.

²Both *Ghezzi* and *Intercoastal Charters* do, however, reflect the governing principle that tariffs may not hold out services which are not routinely performed by the carrier.

³These regulations were first adopted in October 1975 (40 FR 47770), but were stayed pending disposition of reconsideration petitions. Newly effective section 536.5(a)(4) does not, however, preclude a carrier from

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(Continued)

1; Koninklijke Nedlloyd (Nedlloyd, Inc.—FMC-11); Koninklijke Nedlloyd, B.V. (FMC-19 and FMC-53); Kirkpride Shipping Co., Ltd. (FMC-1); British M/V "Dram Buoy" (FMC-1); British M/V "Fendo" (FMC-3); British M/V "Mary Ann Kate" (FMC-12); British M/V "Primavera" (FMC-1); and Sands Construction & Shipping Co., Inc. (FMC-1).

46 CFR 536.5(a)(4)(i). This practice has never been permitted in domestic offshore commerce under 46 CFR 531.5(a)(c).

Therefore, it is ordered, That the designated tariffs of the Respondent carriers listed in Appendix "B" hereto are canceled effective immediately; Provided, however, that this cancellation is without prejudice to said carriers filing new tariffs covering the subject trades at such time as they actually commence common carrier service in these trades.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

(Docket No. 77-35)

APPENDIX A

TARIFFS VOLUNTARILY CANCELED PRIOR TO ISSUANCE OF COMMISSION'S ORDER

1. American Export Lines, Inc., FMC-112; cancelled, 10/1/77
2. American Export Lines, Inc., FMC-120; cancelled, 9/11/77
3. American Export Lines, Inc., FMC-142; cancelled, 10/1/77
4. Atlantic Lines & Navigation, Inc., FMC-1; cancelled, 7/22/77
5. Atlantic Lines & Navigation, Inc., FMC-2; cancelled, 7/22/77
6. Atlantic Lines & Navigation, Inc., FMC-3; cancelled, 7/22/77
7. Atlantic Lines & Navigation, Inc., FMC-4; cancelled, 7/22/77
8. Barber Blue Sea Line, FMC-7; cancelled, 8/8/77
9. Barber Blue Sea Line, FMC-23; cancelled, 8/8/77
10. Barber Blue Sea Line, FMC-24; cancelled, 8/8/77
11. Barberlines, FMC-28; cancelled, 8/8/77
12. Barberlines, FMC-35; cancelled, 8/8/77
13. Barberlines, FMC-38; cancelled, 8/8/77
14. Belfranline Ltd., FMC-7; cancelled, 8/3/77
15. Belgo-American Steamship Co., S.A., FMC-7; cancelled, 8/30/77
16. Bermuda Express Service, FMC-8; cancelled, 8/12/77
17. Black Sea Canada Lines, FMC-1; cancelled, 7/21/77
18. Bristol City Line Ltd., FMC-1; cancelled, 8/8/77
19. Chicago Container Service, Inc., NVOCC FMC-3; cancelled, 8/30/77
20. Clipper Express Company, NVOCC FMC-1; cancelled, 9/10/77
21. Cobelfret Lines SPRL, FMC-5; cancelled, 8/30/77
22. Cobelfret Lines SPRL, FMC-7; cancelled, 8/30/77
23. Columbus Line, FMC-15; cancelled, 8/15/77
24. Companhia de Navegacao Loide Brasileiro, FMC-3; cancelled, 8/4/77
25. Companhia de Navegacao Loide Brasileiro, FMC-9; cancelled, 8/4/77
26. Companhia de Navegacao Loide Brasileiro, FMC-12; cancelled, 8/4/77
27. Compania Peruana de Vapores, FMC-11; cancelled, 8/5/77

(Continued)

placing commercially reasonable restrictions upon its service to a port within a given range, provided that the restriction is specifically stated in its tariff. See subsection (4)(ii) thereof.

28. Deep Sea Mediterranean Line, FMC-1; cancelled, 7/15/77
29. Deppe Line, FMC-6; cancelled, 8/1/77
30. Fort Nassau, Inc., FMC-2; cancelled, 8/1/77
31. Gulf Navigation Corporation, FMC-1; cancelled, 8/30/77
32. Habrew Maritime International, Inc., FMC-1; cancelled, 8/31/77
33. Hanseatic-Vaasa Line, FMC-1; cancelled, 8/8/77
34. Hapag-Lloyd AG, FMC-101; cancelled, 8/18/77
35. Hapag-Lloyd AG, FMC-102; cancelled, 8/18/77
36. Harrison Line, FMC-4; cancelled, 8/1/77
37. Hellenic Lines Limited, FMC-10; cancelled, 8/1/77
38. Hellenic Lines Limited, FMC-13; cancelled, 8/1/77
39. Hellenic Lines Limited, FMC-18; cancelled, 8/1/77
40. Horn Line, FMC-4; cancelled, 8/12/77
41. Hycar Lines, S.A., FMC-18; cancelled, 7/22/77
42. Hycar Lines, S.A., FMC-24; cancelled, 7/22/77
43. Hycar Lines, S.A., FMC-25; cancelled, 7/22/77
44. Hycar Lines, S.A., FMC-26; cancelled, 7/22/77
45. Intercontinental Transport (ICT) B.V., FMC-6; cancelled, 7/22/77
46. Intercontinental Transport (ICT) B.V., FMC-19; cancelled, 7/22/77
47. Intercontinental Transport (ICT) B.V., FMC-20; cancelled, 7/22/77
48. Ivaran Lines, FMC-4; cancelled, 8/1/77
49. Ivaran Lines, FMC-5; cancelled, 8/1/77
50. Ivaran Lines, FMC-6; cancelled, 8/1/77
51. Jugooceanija Line, FMC-5; cancelled, 8/5/77
52. Jugooceanija Line, FMC-6; cancelled, 8/10/77
53. "K" Line, FMC-20; cancelled, 9/12/77
54. "K" Line, FMC-27; cancelled, 9/12/77
55. Kimberly Navigation Co., Ltd., FMC-1; cancelled, 7/22/77
56. Kimberly Navigation Co., Ltd., FMC-2; cancelled, 7/22/77
57. Kimberly Navigation Co., Ltd., FMC-3; cancelled, 7/22/77
58. Kimberly Navigation Co., Ltd., FMC-4; cancelled, 7/22/77
59. Klosters Rederi A-S, FMC-8; cancelled, 8/26/77
60. Kyosei Kisen Kabushiki Kaisha, FMC-1; cancelled, 8/16/77
61. Kyosei Kisen Kabushiki Kaisha, FMC-2; cancelled, 8/16/77
62. Kyosei Kisen Kabushiki Kaisha, FMC-3; cancelled, 8/16/77
63. Lykes Bros. Steamship Co., Inc., FMC-27; cancelled, 8/4/77
64. Lykes Bros. Steamship Co., Inc., FMC-84; cancelled, 8/4/77
65. Mamenie Line, FMC-11; cancelled, 9/24/77
66. Maritime Company of the Philippines, FMC-4; cancelled, 8/4/77
67. Maritime Company of the Philippines, FMC-5; cancelled, 8/4/77
68. Maritime Company of the Philippines, FMC-7; cancelled, 8/4/77
69. Maritime Company of the Philippines, FMC-11; cancelled, 8/4/77
70. Maritime Company of the Philippines, FMC-12; cancelled, 8/4/77
71. Maritime Company of the Philippines, FMC-16; cancelled, 8/4/77
72. Missouri Pacific Intermodal Transport, Inc., NVOCC FMC-1; cancelled, 8/17/77
73. Mitsui O.S.K. Lines, Ltd., FMC-2; cancelled, 8/15/77
74. Mitsui O.S.K. Lines, Ltd., FMC-5; cancelled, 8/15/77
75. Mitsui O.S.K. Lines, Ltd., FMC-12; cancelled, 8/15/77
76. Mitsui O.S.K. Lines, Ltd., FMC-13; cancelled, 8/15/77
77. Mitsui O.S.K. Lines, Ltd., FMC-17; cancelled, 8/15/77
78. Mitsui O.S.K. Lines, Ltd., FMC-23; cancelled, 8/15/77
79. Mitsui O.S.K. Lines, Ltd., FMC-27; cancelled, 8/15/77
80. Mitsui O.S.K. Lines, Ltd., FMC-29; cancelled, 8/15/77
81. Mitsui O.S.K. Lines, Ltd., FMC-31; cancelled, 8/15/77
82. Mitsui O.S.K. Lines, Ltd., FMC-33; cancelled, 8/15/77
83. Mitsui O.S.K. Lines, Ltd., FMC-34; cancelled, 8/15/77
84. Mitsui O.S.K. Lines, Ltd., FMC-35; cancelled, 8/15/77
85. Mitsui O.S.K. Lines, Ltd., FMC-36; cancelled, 8/15/77
86. Mitsui O.S.K. Lines, Ltd., FMC-37; cancelled, 8/15/77
87. Mitsui O.S.K. Lines, Ltd., FMC-41; cancelled, 8/15/77
88. Mitsui O.S.K. Lines, Ltd., FMC-44; cancelled, 8/15/77
89. Mitsui O.S.K. Lines, Ltd., FMC-45; cancelled, 8/15/77
90. Mitsui O.S.K. Lines, Ltd., FMC-48; cancelled, 8/15/77
91. Mitsui O.S.K. Lines, Ltd., FMC-51; cancelled, 8/15/77
92. Mitsui O.S.K. Lines, Ltd., FMC-55; cancelled, 8/15/77
93. Mitsui O.S.K. Lines, Ltd., FMC-59; cancelled, 8/15/77
94. Mitsui O.S.K. Lines, Ltd., FMC-62; cancelled, 8/15/77
95. Mitsui O.S.K. Lines, Ltd., FMC-67; cancelled, 8/15/77
96. Mitsui O.S.K. Lines, Ltd., FMC-68; cancelled, 8/15/77
97. Mitsui O.S.K. Lines, Ltd., FMC-70; cancelled, 8/15/77
98. Mitsui O.S.K. Lines, Ltd., FMC-73; cancelled, 8/15/77
99. A. P. Moller-Maersk Line, FMC-20; cancelled, 11/6/77
100. A. P. Moller-Maersk Line, FMC-23; cancelled, 11/6/77
101. A. P. Moller-Maersk Line, FMC-25; cancelled, 9/2/77
102. A. P. Moller-Maersk Line, FMC-26; cancelled, 11/6/77
103. A. P. Moller-Maersk Line, FMC-27; cancelled, 11/6/77
104. A. P. Moller-Maersk Line, FMC-30; cancelled, 9/2/77
105. A. P. Moller-Maersk Line, FMC-34; cancelled, 11/6/77
106. A. P. Moller-Maersk Line, FMC-49; cancelled, 11/6/77
107. A. P. Moller-Maersk Line, FMC-59; cancelled, 9/2/77
108. Nordship Reefer Express Line, FMC-1; cancelled, 7/21/77
109. N.Y.K. Line, FMC-9; cancelled, 8/1/77
110. N.Y.K. Line, FMC-10; cancelled, 8/1/77
111. N.Y.K. Line, FMC-12; cancelled, 8/1/77
112. N.Y.K. Line, FMC-13; cancelled, 8/1/77
113. N.Y.K. Line, FMC-14; cancelled, 8/1/77
114. N.Y.K. Line, FMC-39; cancelled, 8/1/77
115. N.Y.K. Line, FMC-47; cancelled, 8/1/77
116. N.Y.K. Line, FMC-48; cancelled, 8/1/77
117. N.Y.K. Line, FMC-49; cancelled, 8/1/77
118. N.Y.K. Line, FMC-61; cancelled, 8/1/77
119. Orient Overseas Line, FMC-17; cancelled, 9/7/77
120. Orient Overseas Line, FMC-21; cancelled, 9/7/77

121. Ozean/Stinnes Lines, FMC-22; cancelled, 8/12/77
122. Ozean/Stinnes Lines, FMC-23; cancelled, 8/12/77
123. Ozean/Stinnes Lines, FMC-24; cancelled, 8/12/77
124. Pan American Mail Line, FMC-5; cancelled, 8/1/77
125. Pan American Mail Line, FMC-6; cancelled, 8/1/77
126. Prudential Lines, FMC-6; cancelled, 7/28/77
127. Prudential Grace Lines, FMC-10; cancelled, 7/28/77
128. Prudential Grace Lines, FMC-11; cancelled, 7/28/77
129. Prudential Grace Lines, FMC-13; cancelled, 7/28/77
130. Prudential Grace Lines, FMC-15; cancelled, 7/28/77
131. Prudential Grace Lines, FMC-16; cancelled, 7/28/77
132. Prudential Lines, FMC-18; cancelled, 7/28/77
133. Prudential Grace Lines, FMC-21; cancelled, 7/28/77
134. Prudential Grace Lines, FMC-22; cancelled, 7/28/77
135. Prudential Lines, FMC-19; cancelled, 7/28/77
136. Prudential Lines, FMC-24; cancelled, 7/28/77
137. Prudential Grace Lines, FMC-25; cancelled, 7/28/77
138. Prudential Grace Lines, FMC-26; cancelled, 7/28/77
139. Prudential Lines, FMC-27; cancelled, 7/28/77
140. Prudential Grace Lines, FMC-33; cancelled, 7/28/77
141. Prudential Lines, FMC-35; cancelled, 7/28/77
142. Ruys Transport Group Inc., FMC-1; cancelled, 12/3/76
143. Scandinavian American Line, FMC-6; cancelled, 8/1/77
144. Scandinavian American Line, FMC-7; cancelled, 8/1/77
145. Scandinavian American Line, FMC-11; cancelled, 8/1/77
146. Scandinavian American Line, FMC-19; cancelled, 8/1/77
147. Scandinavian American Line, FMC-21; cancelled, 8/1/77
148. S.C.I. Line, FMC-28; cancelled, 8/3/77
149. Scindia Steam Navigation, FMC-15; cancelled, 9/14/77
150. Scindia Steam Navigation Co., Ltd., FMC-38; cancelled, 9/14/77
151. Scindia Steam Navigation, FMC-42; cancelled, 9/14/77
152. Star Shipping A/S, FMC-6; cancelled, 8/4/77
153. Trans-World Shipping Service, Inc., NVOCC FMC-1; cancelled, 7/20/77
154. United States Line, FMC-45; cancelled, 8/25/77
155. United States Line, FMC-67; cancelled, 8/25/77
156. Wallenius Line, FMC-1; cancelled, 8/30/77
157. Wallenius Line, FMC-5; cancelled, 8/30/77
158. West India Industries, Inc., FMC-2; cancelled, 9/20/77
159. West India Industries, Inc., FMC-3; cancelled, 9/20/77
160. Westfal-Larsen & Co. A/S, FMC-3; cancelled, 8/5/77
161. Zim Israel Navigation Co., Ltd., FMC-4; cancelled, 10/15/77
162. Zim Israel Navigation Co., Ltd., FMC-6; cancelled, 10/15/77

163. Zim Israel Navigation Co., Ltd., FMC-15; cancelled, 10/15/77
164. Zim Israel Navigation Co., Ltd., FMC-17; cancelled, 10/15/77
165. Zim Israel Navigation Co., Ltd., FMC-22; cancelled, 10/15/77
166. C&P Line, FMC-1; cancelled, 7/13/77
167. Hapag-Lloyd AG, FMC-104; cancelled, 8/18/77
168. Karlander Kangaroo Line, FMC-4; cancelled, 7/22/77
169. Karlander Kangaroo Line, FMC-5; cancelled, 7/22/77
170. Karlander Kangaroo Line, FMC-7; cancelled, 7/22/77

[Docket No. 77-35]

APPENDIX B

TARIFFS CANCELLED EFFECTIVE ON THE SERVICE DATE OF THE COMMISSION'S ORDER

The tariffs which are ordered cancelled by this order are those listed in Appendix A of the Commission's Order to Show Cause in this proceeding (42 FR 36875; July 17, 1977), with the deletion of those tariffs listed in footnote 5 of this order (not cancelled) and those listed in Appendix A of this order (cancelled voluntarily).

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

OPEN COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 2, 1978
 Thursday, March 16, 1978
 Thursday, March 23, 1978
 Thursday, March 30, 1978

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Civil Service Commission thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy

and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
*Chairman, Federal Prevailing
 Rate Advisory Committee.*

FEBRUARY 9, 1978.

[FR Doc. 78-4086 Filed 2-14-78; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

CASH EQUIVALENT OF IN-KIND INCOME

Program Results

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the results, findings, data, and recommendations reported as a result of activities associated with HEW project entitled, "The Cash Equivalent of In-Kind Income."

Currently available data on the distribution of income and poverty status of families are seriously lacking in consideration of in-kind income. In-kind income from the government (food stamps, Medicare, Medicaid, housing assistance) and from private employers (fringe benefits such as health insurance) are ignored in the evaluation of total income. This study addresses the fundamental analytic issues sur-

rounding the valuation and inclusion of in-kind income on income and poverty statistics.

The study first reviewed definitions of income that have been used in the economic literature and found that most include many types of in-kind income, private as well as governmental. The next objective was valuing the income to the recipient. When income is received in money, recipient families are free to purchase goods they desire at market prices. However, when income is received in-kind, particularly when price subsidies or constraints on amounts are involved, there is no market to which one can turn for a value. The study thus evaluated several valuation possibilities, primarily valuation at government or employer cost and cash equivalent or utility terms (defined as the money that would leave a recipient as well-off as the in-kind income). The study found that no valuation alternative is fully consistent with money income, further results show that government or employer cost may bear little relationship to recipient values.

Precise mathematical formulas were derived for cash equivalent values and approximations to cash equivalent values were developed. Finally, using recently available data from the 1972-73 Consumer Expenditure Survey, values were estimated for food stamps, low-rent public housing, Medicaid and employer-provided health insurance using various valuation alternatives. While these estimates are extremely crude, they do show that in-kind income can, in some cases, provide sizeable additions to money income but also that values to the recipient can be far below government and employer costs.

A copy of this report will be filed and available as soon as possible, from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151

Dated: February 10, 1978.

HENRY AARON,
Assistant Secretary for
Planning and Evaluation.

[FR Doc. 78-4147 Filed 2-14-78; 8:45 am]

[4110-12]

REVISED CRITERIA SPECIFYING THE INGREDIENTS OF ACCEPTABLE PLANS TO DESEGREGATE STATE SYSTEMS OF PUBLIC HIGHER EDUCATION

In late 1969 and early 1970, the Department of Health, Education, and Welfare (HEW) notified ten states that they had not dismantled their statewide dual systems of public higher education. The letters sent by HEW at that time advised each state

of its failure to adopt measures necessary to overcome the effects of past segregation and notified the states of their obligation to file a statewide plan for the desegregation of their public systems of higher education.

For the past seven years the Court reviewed HEW's efforts to desegregate these systems of higher education. In 1977, this Court found that the Department's effort had not been adequate and ordered the Department to require six of the original ten states to submit new desegregation plans and to set specific standards for those plans.

The Court found that "specific commitments (were) necessary for a workable higher education desegregation plan . . . concerning admission, recruitment and retention of students, concerning the placement and duplication of program offerings among institutions, the role and the enhancement of black institutions, and concerning changes in the racial composition of the faculties involved."

Specifically, this Court entered a Second Supplemental Order on April 1, 1977 directing the Department to transmit to the six states of Arkansas, Florida, Georgia, North Carolina, Oklahoma, and Virginia as well as the Court and the plaintiffs criteria specifying the ingredients of acceptable desegregation plans for their institutions of public higher education. Accordingly, on July 5, 1977, the Department published criteria which were amended one month later to take into account suggestions offered by some of the states.

The Court further directed that HEW require each state to submit, within 60 days of receipt of the criteria, a revised desegregation plan and to accept or reject such plans within 120 days thereafter. In September 1977, in response to HEW's request, the six states submitted desegregation plans. After months of intensive negotiations, the Department announced on February 2, 1978, that it was accepting the plans of Arkansas, Florida, and Oklahoma and not accepting plans submitted by Georgia, North Carolina, and Virginia. On the same date, the Department announced that it would publish in the FEDERAL REGISTER, revised criteria which are substantially similar to the criteria published in July.

Where HEW has found that a state has not eliminated the remaining vestiges of segregation in its formerly dual system of public higher education, and is, therefore, in violation of Title VI of the Civil Rights Act of 1964, it is required first to attempt to secure compliance by voluntary means. When those efforts fail, HEW is required to seek enforcement either administratively or through the courts. 42 U.S.C. 200-1; 45 CFR 2000d-

1, 45 CFR 80.7(d)(1), 80.8. These revised criteria are issued to assist such states in the preparation of desegregation plans as part of the process of securing voluntary compliance.

HEW originally developed the criteria mindful of the instructions of the Court that they comply with constitutional standards and Title VI, conform with sound educational practices, and take into account the unique importance of black colleges. Based on its experience in applying the criteria to six state systems of higher education over the past months, HEW has determined that the criteria provide specific and effective guidance to the states and at the same time, are sufficiently flexible to provide for circumstances which may vary from state to state.

PREAMBLE

I. HISTORY OF LEGAL PROCEEDINGS

The criteria set forth below initially were developed by the Department of Health, Education, and Welfare (HEW) pursuant to the specific direction of the United States District Court for the District of Columbia in *Adams v. Califano*, Civil Action No. 3095-70, Second Supplemental Order (D.D.C. April 1, 1977). The Court's Order arose from a lawsuit initiated in 1970 to require HEW to take action to enforce the provisions of Title VI of the Civil Rights Act of 1964.¹

In 1969, the Office for Civil Rights (OCR) determined that ten States² were continuing to operate segregated higher education systems in violation of Title VI of the 1964 Civil Rights Act. Although the States were notified of this finding and were requested to submit corrective plans, no administrative enforcement actions were taken when the States failed to submit plans or submitted plans unacceptable to HEW. In February 1973, the *Adams* litigation resulted in a ruling requiring that HEW take appropriate enforcement action. *Adams v. Richardson*, 356 F. Supp. 92 (D.D.C. 1973). That ruling was unanimously affirmed by the full United States Court of Appeals for the District of Columbia Circuit, although the Court of Appeals modified the District Court's order and directed HEW to attempt to secure acceptable desegregation plans from the ten States before commencing enforcement proceedings. *Adams v. Richardson*, 480 F. 2d 1159 (D.C. Cir. 1973).

¹ Title VI of the Civil Rights Act of 1964 provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. 42 U.S.C. 2000d.

² Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania, and Virginia.

In 1974, HEW accepted desegregation plans from eight of the ten States.² Reports covering the first year of implementation were submitted to HEW in 1975. Subsequently, the plaintiffs in the *Adams* case sought further relief and on April 1, 1977, the Court ruled that the 1974 plans did not comply with the criteria previously announced by HEW and that as implemented the plans had failed to achieve significant progress toward higher education desegregation. Based on these findings, the Court ordered HEW to develop and issue within 90 days specific criteria to guide the six States³ in the preparation of revised desegregation plans.

II. LEGAL AND EDUCATIONAL PRINCIPLES

A. De jure segregation

These criteria will be applied to a state which formerly operated a dual system of public higher education under state law, if the Office for Civil Rights determines after investigation that the state has failed to remove the vestiges of racial segregation in its system in violation of Title VI.

B. Affirmative duty to take effective steps to eliminate de jure segregation

Where there has been past de jure segregation, states are required to take affirmative remedial steps and to achieve results in overcoming the effects of prior discrimination. HEW's regulation implementing Title VI provides that

In administering a program regarding which the recipient has previously discriminated against persons on the ground of race . . . , the recipient must take affirmative action to overcome the effects of prior discrimination. 45 CFR 80.3(b)(6)(i).

The 14th Amendment also calls for more than mere abandonment of discrimination through the state's adoption of passive or neutral policies. The United States Supreme Court has held that public school officials have "the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which discrimina-

tion would be eliminated root and branch." *Green v. County School Board of New Kent County*, 391 U.S. 430, 437-38 (1968).

The affirmative duty to desegregate applies with equal force to higher education. *Norris v. State Council of Higher Education*, 327 F. Supp. 1368 (E.D. Va. 1971), *aff'd per curiam*, 404 U.S. 907 (1971); *Lee v. Macon County Board of Education*, 267 F. Supp. 458 (M.D. Ala. 1967), *aff'd* 369 U.S. 215 (1967); *Geier v. Dunn*, 337 F. Supp. 573 (M.D. Tenn. 1972). Additionally, the Supreme Court has made it clear that desegregation plans are not adequate unless they are effective. See *Green v. County School Board of New Kent County*, *supra*; *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

Consistent with the requirements of Title VI these criteria set forth the elements of a desegregation plan which would eliminate the effects of past discrimination.

C. Statewide approach

The Court of Appeals in its en banc opinion in *Adams* directed HEW to undertake a statewide approach and noted the serious problem created by the lack of viable statewide coordinated planning in higher education:

The problem of integrating higher education must be dealt with on a statewide rather than a school-by-school basis.⁴

"It is important to note that we are not here discussing discriminatory admission policies of individual institutions. To the extent that such practices are discovered, immediate corrective action is required, but we do not understand HEW to dispute that point. This controversy concerns the more complex problem of systemwide racial imbalance. *Adams v. Richardson*, *supra*, 480 F.2d at 1164-1165 (footnote in original).

The Department has followed this approach since 1969 because we believe statewide planning is consistent with sound educational policy. Thus, these criteria require not only that each institution pursue nondiscriminatory student admission and faculty and staff employment practices, but also that the state system as a whole develop a comprehensive and coordinated statewide desegregation plan embodying those specific affirmative, remedial steps which will prove effective in achieving significant progress toward the disestablishment of the structure of the dual system and which address the problem of "systemwide racial imbalance."

D. Specificity—goals and timetables

The District Court in *Adams* concluded that the plans previously adopted by the states had failed to achieve adequate desegregation progress and lacked specific commitments for change as concerns the desegregation of student bodies and faculties,

enhancement of traditionally black institutions, and desegregation of the governing boards in higher education systems.

The District Court directed HEW to prepare criteria which would identify for the states the specific elements to be included in their revised desegregation plans. As the District Court stated in response to plaintiffs' oral argument on January 17, 1977:

What I do want them to do though is be under the compulsion of a court order to submit to the states certain specific requirements which the states must respond to and they should be given a timetable for communicating with the states, and the states should be given some kind of timetable within which to make response. (Transcript, January 17th ruling; emphasis supplied.)

In *Geier v. Blanton*, 427 F. Supp. 644 (M.D. Tenn. 1977), the Court quoted its Order of December 23, 1969, expressing its dissatisfaction with a state submitted desegregation plan in that the plan as submitted "lacks specificity, in that there is no showing of funds to be expended, no statement of the number of students to be involved, and most importantly, no time schedules for either the implementation of the projects or the achievement of any goals." 427 F. Supp. at 646.

The Supreme Court has maintained that in a system with a history of segregation there is a need for remedial criteria of sufficient specificity to assure compliance with the law. See *Swann*, *supra* at 25-26.

In keeping with the Court's view that the Department should submit specific requirements to the states, numerical goals and timetables are set forth in the criteria. The goals are established as indices by which to measure progress toward the objective of eliminating the effects of unconstitutional de jure racial segregation and of providing equal educational opportunity for all citizens of these states. They are benchmarks and provide the states the clear and specific guidance called for by the Court.

These goals are not quotas. The Department is opposed to arbitrary quotas. Failure to achieve a goal is not sufficient evidence, standing alone, to establish a violation of Title VI. In addition, the Office for Civil Rights upon a showing of exceptional hardship or special circumstances by a state, may modify the goals and timetables. Nevertheless, the states are under a statutory obligation to devise and implement plans that are effective in achieving the desegregation of the system.

Most importantly, under these criteria and the goals they set, all applicants must be able to compete successfully. States' efforts under these criteria need not and should not lead to lowering academic standards. States may need to innovate in seeking out

²Louisiana refused to submit a plan and was referred to the Department of Justice, which filed a lawsuit, (*United States v. Louisiana*), Civil Action No. 74-68 (M.D. La.) in January 1974. The plan submitted by Mississippi was deemed unacceptable by HEW and the matter was referred to the Department of Justice, which filed a lawsuit, *Ayers and United States v. Finch*, Civil Action No. D.C. 75-9-K (N.D. Miss.), in March 1975.

³The April 1, 1977, Order excludes Pennsylvania (by agreement of the parties to the *Adams* lawsuit) and Maryland, which commenced a separate injunctive suit against HEW's enforcement proceedings now pending in the United States Court of Appeals for the Fourth Circuit (*Mandel v. HEW*, No. 76-1494), as well as Louisiana and Mississippi.

talented students who will profit from higher education. They may need to broaden definitions of potential; to discount the effects of early disadvantage on the development of academic competence; and to broaden the talents measured in admissions tests. But new and different yardsticks for measuring potential are not lower standards. They can be more valid measures of true potential and talent. Taken as a whole, these criteria seek to preserve and protect academic standards of excellence.

E. Special considerations in developing criteria for desegregation in higher education

A state system of higher education, as with an elementary and secondary school district, is held to an affirmative duty to take remedial action to correct past practices of segregation and discrimination. However, the nature of the remedial action required of a higher education system will differ from that required of a local education district. The court of Appeals in *Adams* noted:

However, we are also mindful that desegregation problems in colleges and universities differ widely from those in elementary and secondary schools, and that HEW admittedly lacks experience in dealing with them.*** As regrettable as these revelations are, the stark truth is that HEW must carefully assess the significance of a variety of new factors as it moves into an unaccustomed area. 480 F. 2d at 1164.

In *Norris v. State Council of Higher Education*, 327 F. Supp. 1368, 1373 (E.D. Va. 1971, aff'd per curiam, 404 U.S. 907 (1971)), the court held:

The means of eliminating discrimination in public schools necessarily differ from its elimination in colleges, but the state's duty is as exacting.

And in *Sanders v. Ellington*, 288 F. Supp. 937, 943 (M.D. Tenn. 1968), the court stated:

Now in considering the time element for presentation of a plan, I have thought of the complexities of the problem. I recognize that the simple remedies which might be available to a county school board where there is involved a compulsory system of education, a free system of education, and assignment of students, are not available here. Colleges are not compulsory and everyone can testify that they're not free.

Higher education differs from elementary and secondary education in many other ways. Besides being voluntary rather than compulsory, higher education operates on a statewide or regional basis, not local; there are no "attendance zones" in higher education; higher education programs vary from institution to institution and are not uniform; students are free to leave the state or to attend private colleges in pursuit of a higher education.

Furthermore, from state to state significant differences are to be found

and must be taken into consideration. In some states strong centralized "system" exists including four year and two year institutions; in others, the four year and two year institutions report to separate boards; in yet others, each institution operates under its own independent board. While none of these differences relieves a state of its obligations under Title VI or its constitutional duties, they must be taken into account in fashioning an appropriate set of criteria to be applicable to six states.

Accordingly, while desegregation cases involving individual elementary and secondary school districts are a guide to a state's duty to take corrective action, they are not dispositive of the particular methods to be designed for the dismantling of a dual system of higher education, for the desegregation of a statewide system, for the removal of the vestiges of racial segregation, and for the correction of "systemwide racial imbalance." As the courts in *Adams* have noted, these are indeed "complex" issues. These criteria are designed specifically for the higher education systems of these six states based on a careful consideration of relevant statutes and court opinions and with due consideration to the unique characteristics of higher education.*

F. The unique role of the traditionally black colleges

In keeping with the instructions of the Court, the criteria recognize the unique importance of traditionally black colleges in meeting the educational needs of black students. More than 80 percent of all black college graduates have been trained at* black colleges. In the mid-seventies, black colleges continue to graduate almost forty percent of all blacks who receive college degrees.

Thus it is with good reason that the Court of Appeals in *Adams* recognized the need to take into account "the special problems of black colleges."

Perhaps the most serious problem in this area is the lack of state-wide planning to provide more and better trained minority group doctors, lawyers, engineers and other professionals. A predicate for minority access to quality post-graduate programs is viable, co-ordinated state-wide higher education policy that takes into account the special problems of minority students and of Black colleges.*** (T)hese Black institu-

*For a useful discussion of these issues see Note, "The Affirmative Duty To Integrate Higher Education," 70 *Yale Law Journal* 666 (1970).

**See Elias Blake, Public Policy and the Higher Education of Black Americans," Staff Report, Subcommittee on Constitutional Rights of the Committee on the Judiciary, 94th Cong. 2d Sess. 1976.

***National Center for Education Statistics, Earned Degrees Survey, 1975-76.

tions currently fulfill a crucial need and will continue to play an important role in Black higher education. 480 F. 2d at 1164-1165.

Again in 1977, the District Court in its Second Supplemental Order, p. 4, quoted the above language of the Court of Appeals and went on to state:

The process of desegregation must not place a greater burden on Black institutions or Black students' opportunity to receive a quality public higher education. The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks. Without suggesting the answer to this complex problem, it is the responsibility of HEW to devise criteria for higher education desegregation plans which will take into account the unique importance of Black colleges and at the same time comply with the Congressional mandate.

The Department does not take this language to mean that the traditionally black institutions are exempt from the Constitution or the requirements of Title VI. To the contrary, traditionally black and traditionally white institutions are subject to the same constitutional and congressional mandate to provide an education to all citizens without discrimination or segregation. White and black institutions are to function as part of a unitary system free of the vestiges of state imposed racial segregation. However, as the Court has instructed, the transition to a unitary system must not be accomplished by placing a disproportionate burden upon black students, faculty, or institutions or by reducing the educational opportunities currently available to blacks.

To achieve the objectives of Title VI, precise methods will need to be fashioned for institutions within a state, each appropriate to the task of overcoming the effects of prior discrimination in the particular instance. Each method will be enforced with equal force and determination. Each method is designed to achieve the same constitutional standard.

III. CONSULTATION PROCESS

In the preparation of the criteria originally promulgated pursuant to court instruction, the Department undertook an extensive consultation process within the Department and with interested outside parties. In an effort to assure that these criteria were both legally and educationally sound, a departmental task force was established to guide their development. The task force combined the multiple disciplines and varied expertise needed to resolve the complex issues and educational policies involved in this desegregation process. Serving on the task force were the General Counsel, the Director of the Office for Civil Rights, the Assistant Secretary for Education, the Commissioner of Education, and

the Assistant Secretary for Planning and Evaluation.

The Department also embarked on a program of open dialogue and consultation with parties of interest. The task force members conferred with representatives of the six states collectively and individually. The representatives included college presidents, education officials, and aides to Governors. A special meeting was held with students who attend the public colleges in the six states and representatives of several national student organizations. Four meetings were held with officials of the amicus curiae, National Association for Equal Opportunity in Higher Education, an association of the presidents of 110 predominantly black colleges and universities, both state supported and private. Two panels of nationally recognized educators met for half day sessions to advise the Department.

Finally, plaintiffs' representatives devoted many hours to reviewing and commenting on drafts of the criteria. They also convened a meeting for the Department with 28 citizens from these six states who are most familiar with the higher education desegregation efforts in their respective states.

The Department assumes full and sole responsibility for the content of these criteria. The consultations enumerated above were exceedingly helpful to the Department in the preparation of these criteria, but these discussions do not imply concurrence in the criteria in whole or in part by other parties.

Higher educational systems in these and other states are undergoing difficult adjustments caused by fiscal and demographic trends beyond the control of individual states. Accordingly, the criteria developed for the six states under the *Adams Order*, focused on desegregation efforts to be undertaken within the next five years. Similarly, OCR will seek plans that contain five-year goals from other states which are found to have a duty to eliminate the vestiges of duality in their systems of higher education.

As each state attains the goals set forth in its plan, OCR will assess, in cooperation with that state, the progress thereby made in order to determine what additional steps, if any, are necessary to complete the desegregation process. Furthermore, OCR will periodically review these criteria to assure their adequacy in meeting constitutional requirements, their consistency with rulings of the courts in higher education desegregation, and the mandate of Title VI.

ELEMENTS OF A PLAN

I. DISESTABLISHMENT OF THE STRUCTURE OF THE DUAL SYSTEM

An acceptable plan shall commit the state to the goal of organizing and op-

erating the system and institutions of higher education in a manner that promises realistically to overcome the effects of past discrimination and to disestablish the dual system, and which assures that students will be attracted to each institution on the basis of educational programs and opportunities uninhibited by past practices of segregation.

To achieve the disestablishment of the structure of the dual system, each plan shall:

A. Define the mission of each institution within the state system on a basis other than race.

Each mission statement shall include at a minimum:

1. The level, range and scope of programs and degrees offered;
2. Geographic area served by the institution; and
3. The projected size of the student body and staff, for each year of the life of the plan.

B. Specify steps to be taken to strengthen the role of traditionally black institutions in the state system.

In support of the specific steps required by I.B., the plan shall include:

1. Commitments that necessary improvements will be made to permit the traditionally black institutions to fulfill their defined mission. These improvements will extend to physical plant and equipment; quality and range of program offerings; number and quality of faculty; student, faculty and professional staff services; student financial assistance, and other financial support;
2. Commitments that traditionally black institutions will have the resources (including those enumerated in item 1 above), which are at least comparable to those at traditionally white institutions having similar missions.
3. An assessment of the physical plant at traditionally black institutions; and
4. A detailed description of the resources, expressed in dollars and in numbers of personnel to be assigned, which the state system will provide (and the source for such funds) in order to implement the steps specified in I.B. reported by year for the life of the step or activity.

C. Commit the state to take specific steps to eliminate educationally unnecessary program duplication among traditionally black and traditionally white institutions in the same service area.

To this end, the plan shall identify existing degree programs (other than core curricula) among institutions having identical or overlapping service areas and indicate specifically with respect to each area what steps the state will take to eliminate such duplication. The elimination of such program duplication shall be carried out consis-

tent with the objective of strengthening the traditionally black colleges.

D. Commit the state to give priority consideration to placing any new undergraduate, graduate, or professional degree programs, courses of study etc., which may be proposed, at traditionally black institutions, consistent with their missions.

E. Commit the state to withhold approval of any changes in the operation of the state system or of any institutions that may have the effect of thwarting the achievement of its desegregation goals.

F. Commit the State to advise OCR of proposed major changes in the mission or the character of any institution within the state system which may directly or indirectly affect the achievement of its desegregation goals prior to their formal adoption.

Such proposed changes include but are not limited to: the establishment or major expansion of programs of study, of departments, or institutions; the alteration of two year to four year institutions; the conversion of a private to a public institution; or the closing or merger of institutions or campuses.

G. Specify timetables for sequential implementation of the actions necessary to achieve these goals as soon as possible but no later than within five years (by the close of the fifth full academic year after the plan is accepted) unless compelling justification for a longer period for compliance is provided to and accepted by the Department.

The plan shall include interim benchmarks and goals from which progress toward these objectives may be measured. These timetables and benchmarks shall be appropriate to the nature of the action to be taken. For example, studies of physical plant and resources comparability should be completed promptly; corrective actions (including capital construction) will require longer time periods.

H. Commit the state and all its involved agencies and subdivisions to specific measures for achievement of the above objectives.

Such measures may include but are not limited to establishing cooperative programs consistent with institutional missions; reassigning specified programs, course offerings, resources and/or services among institutions; realigning the land grant academic programs so that research, experiment and other educational services are redistributed on a nonracial basis; and merging institutions or branches thereof, particularly where institutions or campuses have the same or overlapping services areas. The measures taken pursuant to this section should be consistent with the objective of strengthening the traditionally black colleges. A detailed description

of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

II. DESEGREGATION OF STUDENT ENROLLMENT

An acceptable plan shall commit the state to the goal of assuring that the system as a whole and each institution within the system provide an equal educational opportunity, are open and accessible to all students, and operate without regard to race and on a desegregated basis.

To achieve the desegregation of student enrollment, each plan shall:

A. *Adopt the goal that for two year and four year undergraduate public higher education institutions in the state system, taken as a whole, the proportion of black high school graduates throughout the state who enter such institutions shall be at least equal to the proportion of white high school graduates throughout the state who enter such institutions.*

B. (1) *Adopt the goal that there shall be an annual increase, to be specified by each state system, in the proportion of black students in the traditionally white four year undergraduate public higher education institutions in the state system taken as a whole and in each such institution; and*

(2) *Adopt the objective of reducing the disparity between the proportion of black high school graduates and the proportion of white high school graduates entering* traditionally white four year and upper division undergraduate public higher education institutions in the state system; and adopt the goal of reducing the disparity by at least fifty per cent by the final academic year of the plan. However, this shall not require any state to increase by that date black student admissions by more than 150% above the admissions for the academic year preceding the year in which the plan is requested by HEW.**

*For the purposes of this subsection, the term entering includes first-time transfers from two year and other institutions.

*Thus, where the present entry by black students in four year traditionally white institutions is at a rate of 1,000 students per year and a fully proportional rate would be 3,000 students per year, the state's goal would be an entry rate of 2,000 students per year five years thereafter. A state where the present entry is at a rate of only 500 students per year and full proportionality would be 3,000 students per year would not by that date have to close half the gap (by a rate of 1,750 per year) but only achieve an entry rate of 1,250 students, which is 150% over its present rate of 500.

C. *Adopt the goal that the proportion of black state residents who graduate from undergraduate institutions in the state system and enter graduate study or professional schools in the state system shall be at least equal to the proportion of white state residents who graduate from undergraduate institutions in the state system and enter such schools.*

This goal (and interim benchmarks or goals) shall be separately stated for each major field of graduate and professional study. To assure that this goal can be met in the immediate future special recruitment efforts should be considered at traditionally black institutions. Particular attention should be given to increasing black student enrollment and graduation from those traditionally white four year undergraduate institutions which serve as the feeder institutions for the graduate and professional schools. Achievement of this goal is of particular importance in light of the specific concern expressed by the Court of Appeals in Adams. In assessing progress toward this goal, OCR will give consideration to the number of blacks from each state who enroll in graduate and professional schools outside the state system.

D. *Adopt the goal of increasing the total proportion of white students attending traditionally black institutions.*

Increased participation by white students at traditionally black institutions must be a part of the process of desegregation of the statewide system of higher education. However, pursuant to the admonition of the courts in Adams, "The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks." Civil Action No. 3095-70, Second Supplemental Order at p. 4. The following steps are designed to guard against the diminution of higher educational opportunities for black students, to take into account the unique importance of traditionally black colleges and to comply with the mandate of Title VI. Establishment of numerical goals for the enrollment of white students at traditionally black institutions must be preceded by an increasing enrollment of black students in the higher education system and at the traditionally white institutions, as is required by Section II of these criteria. It must also be preceded by the accomplishment of specific steps to strengthen the role of traditionally black institutions, eliminate program duplication, locate new programs at black institutions, and by such other measures as are set forth in Section I.

OCR shall annually review the progress made by each state in increasing participation by black students in

higher education and in the disestablishment of the dual school system. Two years after the commencement of the plan, and consistent with such progress, each state system shall specify annual numerical goals for increasing the participation of white students attending the traditionally black institutions.

E. *Commit the state to take all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year and graduate public institutions of higher education, and establish interim goals, to be specified by the state system for achieving annual progress.*

F. *Commit the state to expand mobility between two year and four year institutions as a means of meeting the goals set forth in these criteria.*

G. *Specify numeric goals for II. A, B, and C, and timetables for sequential implementation of actions necessary to achieve these goals as soon as possible but not later than within five years unless another date is specified in this section.*

H. *Commit the state and all its involved agencies and subdivisions to specific measures to achieve these goals.*

Such measures may include, but are not limited to reviewing, monitoring, and revising, as necessary, procedures for student recruitment, admissions, compensatory instruction, counseling, financial aid, and staff and faculty development programs. The detailed description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the numerical goals will be rejected by OCR. Revised measures will be required before the plan can be accepted.

III. DESEGREGATION OF FACULTY, ADMINISTRATIVE STAFFS, NONACADEMIC PERSONNEL, AND GOVERNING BOARDS

An acceptable plan shall commit the state system to the goal of increasing the number and proportion of black employees, academic and non-academic, throughout the system and of increasing representation of black citizens among appointive positions on the governing boards of the state system and of individual institutions.

To achieve the desegregation of faculty, administrators, other personnel, and governing boards, each plan shall:

A. *Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board, or any other state higher education entity, in positions not requiring the doctoral degree, shall at least equal the proportion of black students graduating with mas-*

ters degrees in the appropriate discipline from institutions within the state system, or the proportion of black individuals with the required credentials for such positions in the relevant labor market area, whichever is greater.

B. Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board or any other state higher education entity, in positions requiring the doctoral degree, shall at least equal the proportion of black individuals with the credentials required for such positions in the relevant labor market area.

C. Adopt the goal that the proportion of black non-academic personnel (by job category) at each institution and on the staffs of each governing board or any other state higher education entity, shall at least equal the proportion of black persons in the relevant labor market area.

D. Assure hereafter and until the foregoing goals are met that for the traditionally white institutions as a whole, the proportion of blacks hired to fill faculty and administrative vacancies shall not be less than the proportion of black individuals with the credentials required for such positions in the relevant labor market area.

E. Specify numeric goals and timetables for sequential implementation of the actions necessary to achieve these objectives including interim benchmarks from which progress toward the objectives may be measured.

These goals, timetables, and benchmarks shall be established in light of, and shall specify, the current and projected rates of vacancies in the various job categories, present and projected labor market availability, and other relevant factors.

F. Commit the state system to take specific measures to achieve these objectives.

Such measures may include, but are not limited to employment programs providing centralized recruitment, vacancy and applicant listings; transfer options; faculty development programs permitting release time for black faculty to attain the terminal degree; and the interchange of faculty on a temporary or permanent basis among traditionally white and traditionally black institutions within the state system. The detailed description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

G. Adopt the goal of increasing the numbers of black persons appointed to

systemwide and institutional governing boards and agencies so that these boards may be more representative of the racial population of the state or of the area served.

IV. SUBMISSION OF PLANS AND MONITORING

A. After HEW has determined that a state has not eliminated the vestiges of desegregation in its former dual system of public higher education, the state shall submit to OCR a desegregation plan for its system of public higher education to implement the foregoing criteria.

1. The plan shall commit the state to substantial progress toward each of the goals in the first two years of the plan.

2. The plan shall be signed by the governor and by each official or designated person representing the agencies, associations, commissions, offices, and/or institutions responsible for adopting the systemwide and institutional goals described therein. Such persons or entities must be authorized under state law to perform all actions necessary to achieve these goals.

3. The plan shall certify that achievement of the goals and interim benchmarks specified therein has been adopted as official policy of each official or agency.

B. It is recommended that each state establish a biracial citizens advisory/monitoring committee to assist the state in monitoring the implementation of the plan.

C. Each state shall submit to OCR by August 15 of each year after a plan's acceptance, a comprehensive narrative assessment of its desegregation efforts in the most recent academic year. This narrative assessment shall include:

1. A description of the specific measures which have been taken to achieve the objectives enumerated in the plan and in the criteria;

2. A description of the results achieved, including quantitative indices where appropriate or required;

3. An analysis of the reasons why any steps taken proved inadequate or insufficient; and

4. A description of the steps the state will take to achieve progress and to maintain the timetables set forth in the plan.

D. OCR shall review such narrative reports. If good cause for the failure to meet interim goals is not demonstrated, OCR may impose more stringent requirements, including advance approval by OCR of desegregation methods, in order to assure achievement of the goals of the plan. In the alternative, the Department may initiate enforcement proceedings under Title VI of the Civil Rights Act of 1964, if compliance with Title VI cannot be achieved by voluntary means.

E. Each plan shall provide that the state will furnish to OCR statistical reports, assessments, and such other information as OCR may deem necessary from time to time in order to determine the effectiveness of the state's efforts to achieve the goals described in these criteria. Such information shall include annual statistical reports in substantially the same format used previously by the affected states pursuant to earlier desegregation plans. Specific dates for the submission of the reports will be established by OCR. In the event that subsequent developments call for the submission of additional data, such requirements will be announced after consultation with the states, and the states and institutions shall have sufficient time to develop the system needed for the gathering of additional data.

V. DEFINITIONS

As used in these criteria:

A. "Department" refers to the U.S. Department of Health, Education, and Welfare. In instances where the "Department" is to take certain actions, they may be performed by the Office for Civil Rights or the Director, Office for Civil Rights, on behalf of the Department.

B. "Institution" means any school, college, junior or community college, university, professional or graduate school, administered by or as an agency of the state government. Four year institution means any school, college, or university that offers a baccalaureate or graduate degree. For the purpose of these criteria, "institution" does not refer to private schools or colleges.

C. "State system" means the aggregate of all state public institutions of higher education within the state, whether or not under the governance of the same state agency or board.

D. "Student" means any person enrolled in an instructional program, whether full-time or part-time, subject to exceptions to be specified by the Office For Civil Rights.

E. "Faculty" means all persons employed by an institution as full-time instructional personnel.

F. "Labor market area" means the geographical area in which an institution or campus traditionally recruits or draws applicants possessing the requisite credentials for vacancies in faculty, administrative, or non-academic personnel positions.

G. "Governing board" means that appointed or elected body, whether or not responsible to the governor of a state or to the state legislature, which is charged under state law with the ultimate responsibility for the administration and operation of institutions within the state system of public higher education. A "governing board" may be responsible for the entire

system, for a single campus or institution thereof, or for a specified group of campuses or institutions.

Dated: February 2, 1978.

DAVID S. TATEL,
Director, Office for Civil Rights.
[FR Doc. 78-4091 Filed 2-14-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-841]

FEDERAL EQUAL HOUSING OPPORTUNITY COUNCIL

Establishment and Functioning

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: The purpose of this notice is to place in the public record information regarding the establishment and functioning of the Federal Equal Housing Opportunity Council.

FOR FURTHER INFORMATION CONTACT:

Lloyd Davis, Director, Office of Voluntary Compliance, 451, 7th Street SW., Room 5228, Washington, D.C. 20410, Phone, 202-755-5904.

Section 1—Establishment of the Council

The provisions of Executive Order 11063 (27 FR 11527, effective November 20, 1962, and section 808 of Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. § 3608) set forth requirements that Federal agencies function in a manner that deters housing discrimination and affirmatively promotes fair housing and equal opportunity. Further, under Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) each agency is responsible for assuring nondiscrimination in programs involving Federal financial assistance. In accordance with these authorities, and in an effort to assist Federal agencies in fulfilling their fair housing and equal opportunity responsibilities, the Department of Housing and Urban Development (hereafter HUD), established the Federal Equal Housing Opportunity Council ("Council").

Section 2—Functions

The Council is chaired by the HUD Assistant Secretary for Fair Housing and Equal Opportunity, and is open to all Federal agencies and departments. The Council has developed three primary goals to be achieved by each member agency:

A. Planning federal facilities in locations where there is shown to exist, on

a nondiscriminatory basis, an adequate supply of low and moderate income housing with adequate access by public transportation from other areas of the urban center and adequate parking facilities.

B. Establishing and maintaining an Equal Housing Locator Service, either separately or in cooperation with agencies in close proximity, available to all agency employees, in headquarters and field offices.

C. Making affirmative use of agency funding authority with respect to government sponsored projects to further the purposes of Title VIII of the Civil Rights Act of 1968 (as amended).

To institutionalize the process of agency pursuit of Council goals, HUD negotiates and executes Interagency Fair Housing Agreements with member agencies. In view of HUD's leadership role under Title VIII, primary staff responsibility for the Council rests with the HUD Assistant Secretary for Fair Housing and Equal Opportunity and the Office of Voluntary Compliance.

Section 3—Meetings, Procedures and Reports

The Council meets quarterly during the fiscal year. The time and place of each meeting and the matters to be considered will be published in advance of the meeting. HUD requests biannual progress reports on agency activities to achieve Council goals, with updates as required. HUD issues an annual report on the accomplishments of the Council, titled The Federal Agencies and Fair Housing. HUD also submits reports to OMB relative to estimated cost incurred for the Council to function. Interagency Fair Housing Agreements signed with HUD will be published in the FEDERAL REGISTER and made available through the mail to interested public and private organizations.

Section 4—Council Members

HUD has requested that the head of an agency or department commencing its participation on the Council appoint a representative and an alternate to attend Council meetings and work with HUD in pursuit of the Council goals. As an appointee for the agency or department head, each representative has decisionmaking authority with respect to matters under consideration. The level of appointment allows for timely implementation of Council efforts.

Section 5—Travel Expenses, Administrative Support, Financing

Financial and administrative support for the Council is provided by the Department of HUD, Office of Fair Housing and Equal Opportunity. Travel expenses incurred by representatives in attending quarterly meetings is borne by the individual agencies.

AUTHORITY: (Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., January 31, 1978.

CHESTER C. MCGUIRE,
Assistant Secretary for Fair
Housing and Equal Opportunity.

[FR Doc. 78-4087 Filed 2-14-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

STATE DIRECTOR, CALIFORNIA

Redelegation of Authority

Under the authority of Secretarial Order No. 3003, dated April 26, 1977, subject to limitations of section 4(b) of that order, the State Director, California, is authorized to issue all initial grants, permits, and amendments thereto, across public and other appropriate Federal lands for the SOHIO pipeline and associated ancillary facilities in the States of Arizona, California, New Mexico, and Texas. This authorization is pursuant to section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185.

The California State Director shall not redelegate this authority.

GEORGE L. TURCOTT,
Acting Director.

FEBRUARY 3, 1978.

[FR Doc. 78-4134 Filed 2-14-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-341]

ROOSEVELT P. JACKSON

Hearing

Notice is hereby given that on November 9, 1977, the Drug Enforcement Administration, Department of Justice, issued to Roosevelt P. Jackson, M.D., Atlanta, Ga., an Order to Show Cause as to why his DEA Certificate of Registration, AJ1172472, should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Wednesday, March 1, 1978, in Courtroom No. 205, State Court of Fulton County Courthouse, 160 Pryor Street SW., Atlanta, Ga.

Dated: February 9, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-4131 Filed 2-14-78; 8:45 am]

[4410-01]

[Docket No. 77-39]

HERMAN WINFIELD WHITE**Hearing**

Notice is hereby given that on December 2, 1977, the Drug Enforcement Administration, Department of Justice, issued to Herman Winfield White, D.O., Douglasville, Ga., an Order to Show Cause as to why the Drug Enforcement Administration registration AW1155882 issued to him pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, February 28, 1978, in Courtroom No. 205, State Court of Fulton County Courthouse, 160 Pryor Street SW., Atlanta, Ga.

Dated: February 9, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-4132 Filed 2-14-78; 8:45 am]

[6820-41]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY**MEETING**

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on March 13 and 14, 1978 at the Council's office at 1725 K Street NW., (Room 405), Washington, D.C.

The purpose of the two-day meeting is to review and discuss the reports of the committees charged with the study and recommendations regarding (1) coordination and (2) Community Development Corporations.

The March 13 meeting will open at 1:30 p.m. The March 14 meeting will begin at 9:30 a.m. and continue until the Council's business is concluded. Both meetings are open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceed-

ings and shall be available for public inspection at the office of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Executive Director.

[FR Doc. 78-4195 Filed 2-14-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM****Meeting**

The February 17, 1978, meeting of the ACRS Working Group on Anticipated Transients Without SCRAM has been rescheduled to be held on March 31, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, starting at 8:30 a.m. All items pertaining to the meeting remain the same as announced in the FEDERAL REGISTER on December 2 and December 19, 1977.

Dated: February 13, 1978.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.

[FR Doc. 78-4346 Filed 2-14-78; 9:56 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0195]

CAPITAL FOR TERREBONNE, INC.**Issuance of License To Operate as a Small Business Investment Company**

On December 20, 1977, a notice was published in the FEDERAL REGISTER (42 FR 63841) stating that Capital for Terrebonne, Inc., 1613 Barrow Street, P.O. Box 1868, Houma, La. 70360, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license to operate as a small business investment company (SBIC).

The public was given to the close of business January 4, 1978, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 06/06-0195 to Capital for Terrebonne, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 8, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-4155 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 14261)

CALIFORNIA**Declaration of Disaster Loan Area**

Marin County and adjacent counties within the State of California constitute a disaster area as a result of damage caused by heavy rain, wind storms, flooding and compounded by extremely high tides and strong wave action in coastal area which occurred on January 4-9, 1978.

Eligible persons, firm and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small Business Administration, District Office, 211 Main Street, San Francisco, Calif. 94105

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4117 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 14301)

CONNECTICUT**Declaration of Disaster Loan Area**

New Haven and New London Counties and adjacent counties within the State of Connecticut constitute a disaster area as a result of damage caused by excess snow and ice accumulation followed by heavy rainfall and flooding which occurred on January 17-27, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 10, 1978, and for economic injury until the close of business on November 7, 1978, at:

Small Business Administration, District Office, One Financial Plaza, Hartford, Conn. 06103

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 7, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4118 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1427)

MASSACHUSETTS

Declaration of Disaster Loan Area

The 600 Block of Lawrence Street in Wamesit Power Mill area of the City of Lowell, Middlesex County, Mass., constitutes a disaster area because of damage resulting from a fire which occurred on December 24, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978 at:

Small business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4119 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1428)

MASSACHUSETTS

Declaration of Disaster Loan Area

Barnstable County and adjacent county within the State of Massachusetts constitute a disaster area as a result of damage caused by severe winter storm, high tides, gale force winds, heavy freezing rainfall, ice and flooding which occurred on January 9, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4120 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1408; Adt No. 2)

NEBRASKA

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 63984 and 43 FR 4892), are amended by extending the filing date for physical drought (crop) damage until the close of business on June 20, 1978 and for economic injury until the close of business on September 20, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4121 Filed 2-14-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1424)

RHODE ISLAND

Declaration of Disaster Loan Area

The State of Rhode Island constitutes a disaster area as a result of damage caused by snow, freezing rain and severe ice storms which occurred on January 13-15, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small Business Administration, District Office, 57 Eddy Street, Providence, R.I. 02903

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4122 Filed 2-14-78; 8:45 am]

[8025-01]

CROP DAMAGE

Physical Disaster Declaration Extensions

Notice is hereby given to extend the termination dates on the following thirteen (13) physical disaster declarations on crop damage:

(1) Declaration of Disaster Loan Area No. 1350.

GEORGIA—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 39285), and Amendment No. 1 (see 42 FR 48424) are amended by extending the filing date for accepting applications for physical

damage until the close of business on January 31, 1978, and for economic injury until the close of business on August 31, 1978.

(2) Declaration of Disaster Loan Area No. 1355.

NORTH CAROLINA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 41687), and amendments thereto (see 42 FR 44863 and 42 FR 52590), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 9, 1978, and for economic injury until the close of business on September 11, 1978.

(3) Declaration of Disaster Loan Area No. 1353.

FLORIDA—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 40802), and Amendment No. 1 (see 42 FR 54896), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 4, 1978, and for economic injury until the close of business on September 4, 1978.

(4) Declaration of Disaster Loan Area No. 1357.

SOUTH CAROLINA—AMENDMENT No. 1

The above numbered Declaration (see 42 FR 41687) is amended by extending the termination date for accepting applications for filing for physical damage until the close of business on February 10, 1978, and for economic injury until close of business on September 11, 1978, and by adding Dillon, Horry, Marion, and Williamsburg Counties and adjacent counties within the State of South Carolina.

(5) Declaration Disaster Loan Area No. 1358.

OREGON—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 44323), and Amendment No. 1 (see 42 FR 56990), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 13, 1978, and for economic injury until the close of business on September 12, 1978.

(6) Declaration of Disaster Loan Area No. 1360.

ALABAMA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 42421), and amendments thereto (see 42 FR 52588 and 42 FR 60618), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(7) Declaration of Disaster Loan Area No. 1361.

IDAHO—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 44862 and 43 FR 2682), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 24, 1978, and for economic injury until the close of business on September 24, 1978.

(8) Declaration of Disaster Loan Area No. 1364.

VIRGINIA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 44863), and amendments thereto (see 42 FR 52590 and 42 FR 58992), are amended by extending the termination date for accepting applications for filing for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(9) Declaration of Disaster Loan Area No. 1365.

IOWA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 44862), and amendments thereto (see 42 FR 52589 and 42 FR 59341), are amended by extending the termination date for filing applications for physical damage until the close of business on February 23, 1978, and for economic injury until the close of business on September 25, 1978.

(10) Declaration of Disaster Loan Area No. 1367.

MISSISSIPPI—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 45977), Amendments No. 1 (see 42 FR 58472), and Amendment 2 (43 FR 2967) are amended by extending the filing date for accepting applications for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(11) Declaration of Disaster Loan Area No. 1370.

IDAHO—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 56657), and amendment thereto (see 42 FR 58472), are amended by extending the filing date for accepting applications for physical damage until the close of business on March 13, 1978, and for economic injury until the close of business on October 12, 1978.

(12) Declaration of Disaster Loan Area No. 1384.

WASHINGTON—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 56991), and amendments thereto (see 42 FR 59153 and 42 FR 62055), are amended by extending the filing date for accepting applications for physical damage until the close of business on April 19, 1978, and for economic injury until the close of business on November 20, 1978.

(13) Declaration of Disaster Loan Area No. 1403.

MISSOURI—AMENDMENT No. 1

The above numbered Declaration (see 42 FR 60240) is amended by extending the filing date for accepting applications for physical damage until the close of business on May 17, 1978, and for economic injury until the close of business on December 18, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 23, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4123 Filed 2-14-78; 8:45 am]

[8025-01]

[Delegation of Authority No. 30, Revision 15; Amdt. 18]

SUPERVISORY LOAN SPECIALISTS IN DISASTER OFFICES

Delegation To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, 61347, 43 FR 55, and 1577) is hereby further amended to delegate authority to Supervisory Loan Specialist in Disaster Offices to cancel, reinstate, modify, and amend loan authorizations.

Accordingly, Delegation of Authority No. 30, Revision 15, Part II, Section A, is amended as set forth below:

PART II—DISASTER PROGRAM

SECTION A—DISASTER LOAN AUTHORITY

7. Disaster loan authorizations

b. To cancel, reinstate, modify, and amend authorizations:

(10) Supervisory Loan Specialist, Disaster office

Effective Date: February 15, 1978.

Dated: February 9, 1978.

RICHARD HERNANDEZ,
Associate Administrator
for Operations.

[FR Doc. 78-4124 Filed 2-14-78; 8:45 am]

[4810-40]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Cir. Public Debt Series—No. 5-78]

UNITED STATES OF AMERICA TREASURY
NOTES OF FEBRUARY 29, 1980

Series L-1980

FEBRUARY 10, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of February 29, 1980, Series L-1980 (CUSIP No. 912827 HM 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 28, 1978, and will bear interest from that date, payable on a semiannual basis on August 31, 1978; February 28 and August 31, 1979; and February 29, 1980. They will mature February 29, 1980, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry se-

curities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, February 16, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 15, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.118. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United

States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{4}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers

it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, February 28, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

- (a) Friday, February 24, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or
- (b) Thursday, February 23, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer iden-

tifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 78-4354 Filed 2-14-78; 10:57 am]

[8320-01]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the

Holiday Inn (Civic Center), 1170 NW, 11th Street, Miami, Fla., on March 13, and 14, 1978. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., March 13, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C., 202-389-3702, prior to February 28.

The meeting will be closed from 8:30 a.m. to 4:30 p.m., March 13, and all day on March 14 for consideration of specific proposals in accordance with provisions set forth in Subsection 10(d) of Public Law 92-463, as amended by Public Law 94-409, and Subsection 552b(c)(6) of Title 5, United States Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 8, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-4125 Filed 2-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 589]

ASSIGNMENT OF HEARINGS

FEBRUARY 10, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135082 (Sub-No. 45), Bursch Trucking, Inc., d.b.a., Roadrunner Trucking, Inc., now assigned February 28, 1978, at Phoenix, Ariz., will be held in the Tax Court Room No. 235, 3d Floor, Federal Building and Post Office, 522 North Central Avenue, instead of Tax Court Room No. 235, Federal Building and Post Office, 1000 Liberty Avenue.

MC 133655 (Sub-No. 99), Trans-National Truck, Inc., now assigned March 14, 1978, at Chicago, Ill., is postponed indefinitely.

MC 118130 (Sub-No. 77), South Eastern Express, Inc., now assigned February 22, 1978, at Dallas, Tex., is canceled and application dismissed.

MCC 9934, Universal Prototype, Inc. v. Roadway Trucking Co., et al., is now assigned for hearing March 14, 1978 (1 day), at Chicago, Ill., at a hearing room to be later designated.

AB 43 (Sub-No. 41), Illinois Central Gulf Railroad Co. Abandonment near Bemis, Tenn., and Holly Springs, Miss., in Madison, Hardeman, and Fayette Counties, Tenn., and Benton and Marshall Counties, Miss., now assigned March 1, 1978, at Bolivar, Tenn., will be held in the Utility Building, Tennessee State Highway 18 South.

MC 143621, Tennessee Steel Haulers, Inc., now assigned March 6, 1978, at Nashville, Tenn., will be held in Room A-440, Federal Building, U.S. Courthouse, 801 Broadway.

MC 108676 (Sub-No. 110), A. J. Metler Hauling & Rigging, Inc., now assigned March 8, 1978, at Nashville, Tenn., will be held in Room A-440, Federal Building, U.S. Courthouse, 801 Broadway.

MC 124306 (Sub-No. 28), Kenan Transport Co., Inc., now assigned March 6, 1978, at Raleigh, N.C., will be held in Room 209, Federal Building, 310 New Bern Avenue.

MCC 9761, Carolina Coach Co., et al. v. Mandrell Motor Coach, Inc., now assigned February 22, 1978, at Dover, Del., is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4190 Filed 2-14-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

FEBRUARY 10, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission February 27, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not oper-

ate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC 60014 (Sub-No. E146) (Clarification), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 23, 1975, republished October 28, 1975, and republished, as clarified, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: Charles A. Tell, 100 East Broad Street, Columbus, Ohio 45215. *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Indiana on and south of a line beginning at Lake Michigan and extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 24/30, thence along U.S. Highway 24/30 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 33, thence along Ohio Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways of points in Ohio on and east and south of a line beginning at the Ohio-West Virginia State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30 and Ohio Highway 13 at Mansfield, Ohio, thence south along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, Ohio at the Ohio-West Virginia State line. The purpose of this republication is to clarify the gateway elimination.

No. MC 60014 (Sub-No. E242), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, floor-*

ing, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, from points in Rhode Island, to points in Kentucky on and west of a line beginning at the West Virginia-Kentucky State line, and extending along U.S. Highway 119 to the junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of: (1) Between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12, (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.); (2) points in Massachusetts on and east of U.S. Highway 5; (3) Greenwich, Conn.; (4) points in New York; (5) Wheeling, W. Va.

No. MC 60014 (Sub-No. E300), filed August 28, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (Same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, except commodities in bulk, from points in Maine, Connecticut, and New Hampshire, to points in Alabama, Kentucky, Mississippi and Tennessee. The purpose of this filing is to eliminate the gateways of:* (1) Between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.); (2) points within 10 miles of Greenwich, Conn.; (3) New York, Pennsylvania, and West Virginia; (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E301), filed August 28, 1976. Applicant: AERO

TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.) thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.), on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateway of points in New York.*

No. MC 60014 (Sub-No. E302), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison, (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, between points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction of U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 88, thence along Ohio Highway 88 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Rhode Island, those points in Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, and extending along U.S. Highway 5 to the junction Interstate Highway 91, thence along Interstate Highway 91 to the junction of Connecticut Highway 2, thence along Connecticut Highway 2 to the junction to the junction of Connecticut*

Highway 85, thence along Connecticut Highway 85 to the Block Island Sound; those points in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line, and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 3A/25, thence along New Hampshire Highway 3A/25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 123A, thence along New Hampshire Highway 123A to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of: (1) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; (2) points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line; (3) New York; (4) between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

No. MC 60014 (Sub-No. E307), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, from those points in Ohio on and east of a line be-*

ginning at Lake Erie and extending along U.S. Highway 42 to junction Ohio Highway 176, thence along Ohio Highway 176 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to the Ohio-West Virginia State line, to those points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line, and extending along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 638, thence along Kentucky Highway 638 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 178, thence along Kentucky Highway 178 to junction Kentucky Highway 800, thence along Kentucky Highway 800 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Illinois State line. The purpose of this filing is to eliminate the gateway of between points in that part of Ohio on and south of U.S. Highway 30 on and east of a line beginning at junction U.S. Highway 30 and Ohio Highway 13 (near Mansfield, Ohio), and extending in a southward direction along Ohio Highway 13 to junction U.S. Highway 33 (near Athens, Ohio), thence southwardly along U.S. Highway 33 to junction Ohio Highway 33 to junction Ohio Highway 7 (near the Ohio River), thence westerly along Ohio Highway 7 and U.S. Highway 33 to Pomeroy, Ohio (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E308), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, between points in Ohio, on the one hand, and, on the other, those points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway*

79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of between points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E309), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, between those points in Indiana on and south of a line beginning at Lake Michigan, and extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 24/30, thence along U.S. Highway 24/30 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 33, thence along Ohio Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways between points in that part of Ohio on and south of U.S. Highway 30 on and east of a line beginning at junction U.S. Highway 30 and Ohio Highway 13 (near Mansfield, Ohio), and extending along in a southward direction along Ohio Highway 13 to junction U.S. Highway 33 (near Athens, Ohio), thence southwardly along U.S. Highway 33 to junction Ohio Highway 33 to junction Ohio Highway 7 (near the Ohio River), thence westerly along Ohio Highway 7*

and U.S. Highway 33 to Pomeroy, Ohio (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E 310), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils, from points in Rhode Island, to points in Mississippi. The purpose of this filing is to eliminate the gateways (1) between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along southwardly U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 668 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.) (2) points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Conn. (4) points in New York. (5) Wheeling, W. Va.

No. MC 83539 (Sub-No. E345), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Alabama, in and east of Madison, Morgan, Cullman, Blount, Jefferson, Tuscaloosa, Green, Sumter and in and west of Randolph, Tallapoosa, Macon, Bullock, Pike, Crenshaw, and Covington Counties on the one hand, and, on the other, points in the State of Connecticut. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Philadelphia, Pa., Nashville, Tenn., and points in Kentucky.

No. MC 83539 (Sub-No. E357), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Arkansas, on the one hand, and, on the other, points in the State of Ohio, restricted against service in the stringing or picking up of any of the above commodities in con-

nection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC 83539 (Sub-No. E358), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Colorado, on the one hand, and, on the other, points in the State of Delaware, restricted against service in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Wichita, Kans., Philadelphia, Pa., and points in Illinois, Indiana, and Missouri.

No. MC 83539 (Sub-Nos. E409, E410, E411, E412, and E418) (correction), filed May 31, 1977, published in the FEDERAL REGISTER issued of January 20, 1978, and, republished, as corrected, this issue. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above).

NOTICE.—The following E letter-notices were given the wrong filing date of May 31, 1974 and should read May 31, 1977 on page 3001 of January 20, 1978 FEDERAL REGISTER. The E's are E409, E410, E411, and E412. On page 3002 in the middle column—third paragraph; the filing date of May 31, 1977 and the number No. MC 83539 (Sub-No. E418) were omitted. The letter-notices should read the same as published in the previous FEDERAL REGISTER.

No. MC 83539 (Sub-No. E429), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and *related machinery parts* when moving in connection with such commodities; between points in Maryland on the one hand and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of points in Kentucky and Pennsylvania.

No. MC 83539 (Sub-No. E430), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and (2) *related machinery parts, and related contractors' materials and supplies* when moving in connection with the commodities in (1) above, between points in Maryland

on the one hand and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

No. MC 83539 (Sub-No. E431), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and parts thereof when moving in connection with such commodities between (a) points in Maryland, on the one hand and, on the other, those points in Tennessee in and west of Macon, Smith, Wilson, Rutherford, Coffee, Moore, and Lincoln Counties, and those points in Maryland in and west of Allegany County on the one hand and, on the other, those points in Tennessee in and west of Pickett, Fentress, Cumberland, Bledsoe, Sequatchie and Marion Counties. The purpose of this filing is to eliminate the gateways of points in Pennsylvania and Kentucky, and those points within a 50-mile radius of Nashville, Tenn.

No. MC 83539 (Sub-No. E439), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles*, (except in driveway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with self-propelled articles, between (a) points in Missouri in and west of Clark, Lewis, Marion, Ralls, Pike, Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian, Douglas, Howell, Oregon, Ripley, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties on the one hand and, on the other, points in West Virginia in and east of McDowell, Wyoming, Boone, Kanawha, Jackson, Wood, Pleasants, Tyler, and Wetzel Counties, (b) points in Missouri on the one hand and, on the other, points in West Virginia in and east of Preston, Tucker, Randolph, and Pocahontas Counties, restricted to commodities which are transported on trailers, and restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Missouri, or (2) originates at any point in Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateways of points in Iowa, Illinois, and Indiana, or points in Arkansas and Kentucky.

No. MC 83539 (Sub-No. E440), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's repre-

representative: H. N. Cunningham, III (same as above). *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Michigan on the one hand and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Worcester.

No. MC 83539 (Sub-No. E441), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more and *related machinery, parts, and supplies* moving in connection therewith; between points in Ohio on the one hand and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Indiana or Kentucky.

No. MC 83539 (Sub-No. E442), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with self-propelled articles, between: (a) points in Missouri in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Maries, Phelps, Dent, Reynolds, Carter, Butler, Stoddard, and Scott Counties on the one hand and, on the other, points in Virginia, and (b) points in Missouri in, west, north, and south of Lincoln, Warren, Franklin, Washington, St. Francois and Ste. Genevieve Counties on the one hand and, on the other, points in Virginia in and east of Augusta, Rockbridge, Bedford, and Pittsylvania Counties, restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. and further restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Iowa, Illinois, and Indiana or points in Arkansas and Kentucky.

No. MC 83539 (Sub-No. E443), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more and the transportation of which because of their size or weight require the use of

special equipment, and (2) *parts* moving in connection with the commodities in (1) above, between points in Florida on the one hand and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and points in Kentucky.

No. MC 83539 (Sub-No. E444), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and (2) *related machinery, parts, and related contractors' materials and supplies* when moving in connection with the commodities in (1) above, between (a) points in Minnesota, in St. Louis, Lake, and Cook Counties, on the one hand, and, on the other, points in Missouri in, east, and south of Howell, Shannon, Reynolds, Iron, Madison, and Perry Counties; (b) points in Minnesota on the one hand, and, on the other, points in Missouri in, east, and south of Ripley, Carter, Wayne, Bollinger, and Cape Girardeau Counties, restricted against the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 83539 (Sub-No. E445), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Vermont in and east of Orleans, Lamoille, Washington, and Caledonia Counties, on the one hand, and, on the other, points in New Jersey in and south of Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Philadelphia, Pa., and Worcester, Mass.

No. MC 83539 (Sub-No. E569), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Iowa, and South Dakota.

No. MC 83539 (Sub-No. E570), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976,

Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in Illinois, on the one hand, and, on the other, points in Washington, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Nebraska and those points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

No. MC 83539 (Sub-No. E571), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in West Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Iowa, and South Dakota.

No. MC 83539 (Sub-No. E573), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of points in South Dakota, Iowa, Illinois, Indiana, Philadelphia, and Worcester, Mass.

No. MC 83539 (Sub-No. E575), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Virginia and Philadelphia, Pa.

No. MC 106603 (Sub-No. E119), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. *Such building materials* (except commodities in bulk) and *gypsum products* which are used in the manu-

facture, installation, or application of roofing and building materials, from points in Pennsylvania on and south of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80 to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; and points in Pennsylvania on, north and east of a line commencing at the Pennsylvania-West Virginia State line and extending southeasterly on Pennsylvania Highway 844 to junction U.S. Highway 19 at or near Washington, thence southeasterly on U.S. Highway 19 to the Pennsylvania-West Virginia State line; Maryland on and north of a line commencing at the Maryland-Pennsylvania State line and extending east on U.S. Highway 40 to junction Maryland Highway 2 at or near Baltimore, thence southeasterly on Maryland Highway 2 to junction U.S. Highway 301, thence easterly on U.S. Highway 301 to the Annapolis Queenstown Bridge and including points east of Chesapeake Bay; Delaware; New Jersey on and south of a line commencing at the New Jersey-Pennsylvania State line and extending east on U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy; and West Virginia on and north of a line commencing at the West Virginia-Ohio State line and extending east on West Virginia Highway 27 to the West Virginia-Pennsylvania State line, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly along U.S. Highway 431 at Owensboro to junction U.S. Highway 62, thence southwesterly on U.S. Highway 62 to junction U.S. Highway Alternate 41, thence south on U.S. Highway Alternate 41 to the Kentucky-Tennessee State line and points in Tennessee on and west of a line commencing at the Tennessee-Kentucky State line and extending southerly on U.S. Highway Alternate 41 to Tennessee Highway 13, thence south on Tennessee Highway 13 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E120), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Such building materials (except

commodities in bulk) and gypsum products which are used in the manufacture, installation, or application of roofing and building materials, from points in Maryland on and south of a line commencing at the Maryland-Pennsylvania State line and extending east along U.S. Highway 40 to Maryland Highway 2 at or near Baltimore, thence southeasterly on Maryland Highway 2 to junction U.S. Highway 301, thence east on U.S. Highway 301 to the Annapolis Queenstown Bridge, excluding points east of Chesapeake Bay; and points in Maryland on and north of a line and west of Chesapeake Bay commencing at the Annapolis Queenstown Bridge and extending west on U.S. Highway 50 to the Maryland-Virginia State line; Virginia on and north of a line commencing at the Virginia-Maryland State line and extending west on U.S. Highway 50 to the Virginia-West Virginia State line; West Virginia on and south of a line commencing at the West Virginia-Ohio State line and extending east on West Virginia Highway 27 to the West Virginia-Pennsylvania State line; and north of a line commencing at the West Virginia-Ohio State line at or near Moundsville, and extending easterly on U.S. Highway 250 to West Virginia Highway 7, thence easterly on West Virginia Highway 7 to the West Virginia-Virginia State line; thence along commencing at the West Virginia-Maryland State line and extending east on U.S. Highway 50 to the West Virginia-Virginia State line; and Pennsylvania on, south and west of a line commencing at the Pennsylvania-West Virginia State line and extending southeasterly on Pennsylvania Highway 844 to junction U.S. Highway 19 at or near Washington, thence southeasterly to the Pennsylvania-West Virginia State line, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly on U.S. Highway Alternate 41 to junction Kentucky Highway 293, thence southerly on Kentucky Highway 293 to junction Kentucky Highway 139, thence southerly on Kentucky Highway 139 to junction Kentucky Highway 80, thence southwesterly on Kentucky Highway 80 to junction Kentucky Highway 94, thence southwesterly on Kentucky Highway 94 to junction U.S. Highway 641, thence southerly on U.S. Highway 641 to the Kentucky-Tennessee State line; and Tennessee on and west of a line commencing at the Tennessee-Kentucky State line and extending southerly on U.S. Highway 641 to junction Tennessee Highway 77, thence southerly on Tennessee Highway 77 to junction U.S. Highway 70, thence southwesterly on U.S. Highway 70 to the Tennessee-Arkansas State line. The purpose of this filing is to eliminate the gateways of the plant-

site of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E121), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Materials, equipment, and supplies used in the installation and application of roofing and building materials (except iron and steel, portland cement, and commodities in bulk), from points in New York; Pennsylvania on and north of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80 to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; New Jersey on and north of a line commencing at the New Jersey-Pennsylvania State line and extending east along U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy, to points in Kentucky on and east of a line commencing at the Kentucky-Indiana State line and extending southerly on Interstate Highway 65 to junction Kentucky Highway 61, thence southeasterly on Kentucky Highway 61 to junction U.S. Highway 31E, thence southerly on U.S. Highway 31E to the Kentucky-Tennessee State line; and on and west of a line commencing at the Kentucky-West Virginia State line at or near Ashland and extending southwesterly on U.S. Highway 23 to junction Kentucky Highway 80, thence southwesterly on Kentucky Highway 80 to junction U.S. Highway 421, thence southerly on U.S. Highway 421 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 107012 (Sub-No. E297), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). New commercial and institutional fixtures, uncrated. (1) From points in New Mexico to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, and Valencia Counties, N. Mex., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Hum-

phreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (3) from points in McKinley, Rio Arriba, and San Juan Counties, N. Mex., to points in Alabama; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark., points in Florida, Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (4) from points in Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, and Roosevelt Counties, N. Mex., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (6) from points in Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

Otero, Sierra, and Socorro Counties, N. Mex.; to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (6) from points in Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E298), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Oklahoma to points in Georgia, Kentucky, North Carolina, South Carolina, and Virginia, (2) from points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey,

Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, and Woodward Counties, Okla., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, Ala.; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.; and points in Tennessee, (3) from points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Segroyah, Tulsa, Wagoner, and Washington Counties, Okla., to points in Alabama, Florida; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, Fla., points in Mississippi, and Tennessee, (4) from points in Weaver, Cimarron, and Texas Counties, Okla., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee,

Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., and points in Tennessee, (5) from points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, McCurtain, Pittsburg, and Pushmataha Counties, Okla., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlott, De Soto, Glades, Hardee, Henry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, Mc Minn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, Tenn., (6) from points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, Mc Clain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, Okla., to points in Al-

abama, Florida; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.; and points in Tennessee. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E299), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Orgeon to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, Oreg., to points in Arkansas; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex., (3) from points in Crook, De Schutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake, Malheur, Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, Oreg., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E300), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as

above). *New commercial and institutional fixtures, uncrated*, (1) from points in Utah to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Beaver, Iron, and Washington Counties, Utah, to points in Arkansas, Cleburne, Conway, Fulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La., (3) from points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster, Parishes, La., (4) from points in Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary,

Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La., (5) from points in Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E301), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Washington to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Clark, Cowitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish, and Whatcom Counties, Wash., to points in Arkansas; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex., (3) from points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Arkansas; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery,

Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Callas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex., (4) from points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla, and Whitman Counties, Wash., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E302), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Montana, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, (2) From points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, and Sweet Grass Counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River,

Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, and Prince Georges Counties, Va., and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. (3) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, and Valley counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola,

Rains, Red River, Rockwall, Rusk, Samine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va. and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Va. (4) From points in Blaine, Cascade, Chouteau, Fergus, Golden Valley Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yellowstone Counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greenville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince George Counties, Va. and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg,

Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. (5) From points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, Mont., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greenville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va., and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg,

Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E303), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Minnesota, to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. (2) From points in Aitkin, Carlton, Cook, Lake, Saint Louis, and Tazewell Counties, Minn. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn. Arkansas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milan, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (3) From points in Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau Counties, Minn., to points in Clark, Hempstead, Howard, La-

fayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Peery, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, Tenn. Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C.; Bedford, Bledsoe, Bradley, Doffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion,

Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C.; Bedford, Bledsoe, Bradley, Doffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion,

Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (6) From points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C.; points in South Carolina, Tennessee; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches,

Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E304), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, Inc., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated.* (1) From points in North Carolina, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. (2) From points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, S.C., to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak.; and points in South Dakota. (3) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, and Wilson Counties, N.C., to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Zieback, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

Moody, Sanborn, Turner, Union, and Yankton Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn. (4) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C., to points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak., and points in South Dakota. (5) From points in Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C., to points in Ap-panoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmett, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak., and points in South Dakota. (6) From points in Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren

Counties, N.C., to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Divide, McKenzie, and Williams Counties, N. Dak.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Zieback, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E305), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated.* (1) From points in Virginia, to points in Arizona, Arkansas, California, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington. (2) From points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, and Independent cities of Alexandria, Fairfax, Falls Church, and Fredericksburg, Va., to points in Colorado, Idaho, Kansas; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine and Webster Parishes, La.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, Miss.; Beaverhead, Broadwater, Deer lodge, Gallatin, Granite, Jefferson, Madison, Par, Ravalli, Silver Bow,

Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, Mont.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; and points in Wyoming. (3) From points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., and independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, and Staunton, Va., to points in Colorado, Idaho; Ada, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Oseeola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; points in Kansas; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; points in Montana; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Minner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak.; and points in Wyoming. (4) From points in Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, and York Counties, Va., and independent cities of Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, Va.; to points in Colorado, Idaho, Kansas, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette,

Vermillion, Calwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yellowstone Counties, Mont.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, and Tripp Counties, S. Dak.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; and points in Wyoming. (5) From points in Alameda, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lumburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va., and independent cities of Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, and Waynesboro, Va., to points in Colorado, Idaho, Kansas; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, Miss.; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yel-

lowstone Counties, Mont.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, S. Dak.; and points in Wyoming. (6) From points in Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties, Va., and independent cities of Harrisonburg, and Winchester, Va., to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kowa, Las Animas, Lincoln, Otero, Prowers, and Pueblo Counties, Colo.; Ada, Adams, Boise, Camas Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Glaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, Idaho; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourgon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Lafette, Linn, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties, Kans.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, Miss.; Lincoln, Sublette, Sweetwater, and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E306), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Ap-

plicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) From points in South Carolina, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. (2) From points in Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Collecton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C., to points in Arkansas, Iowa; Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille, Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb,

Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (3) From points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille, Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie,

Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (4) From points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C., to points in Arkansas; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Clairborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morri-

son, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota, and Texas. (5) From points in Abbeville, Anderson, Greenville, Oconee, and Pickens Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim

Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Free stone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (6) From points in Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Montrail, Renville, Ward, Divide, McKenzie and Williams Counties, N. Dak.; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard,

Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107064 (Sub-No. E530), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Fertilizer and fertilizer ingredients (except petroleum products and potash), from points in North Carolina to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E531), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Fertilizer and fertilizer ingredients (except petroleum products and potash), from points in Maine to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E532), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E533), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E534), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maine to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E535), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E536), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in North Carolina to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E537), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E538), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in North Carolina to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E539), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Montana. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E540), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Wyoming. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E541), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E542), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E543), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Colorado. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E544), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and those points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E545), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oregon to points in Parmer, Castro, Swisher, Briscoe, Hall, Barley, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and those points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107064 (Sub-No. 546), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex., to points in Oregon. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107064 (Sub-No. 547), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and those points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex., to points in Oregon. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107515 (Sub-No. E552), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tett-lebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. (1) *Frozen foods* from the plantsite of (a) Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky., to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Wash-

ington, (b) from Louisville, Ky. to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, restricted to traffic originating at the plantsite of Standard Foods, Inc., and (2) *frozen meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Louisville, Ky. to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, restricted (a) to the transportation of shipments originating at the facilities of Armour & Co., at Louisville, Ky., at the facilities of Wilson Certified Foods, Inc., at Louisville, Ky. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E560), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tett-lebaum, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. (1) *Frozen agricultural commodities, frozen packinghouse products, and frozen groceries and canned goods* in vehicles equipped with mechanical refrigeration (a) from Philadelphia, York, and Scranton, Pa., Baltimore, Md., and New York, N.Y., to points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Washington, Oregon, Wyoming, Montana, and Idaho, (b) from Harrisburg, Pa. to points in New Mexico, Arizona, California, Nevada, Oregon, Washington, Idaho; points in Colorado on or west of a line beginning at the Kansas-Colorado state line and extending along U.S. 50 to junction Colo. 71; thence along Colo. 71 to the Colorado-Nebraska State line; points in Wyoming on or west of a line beginning at the Wyoming-Colorado State line and extending along U.S. 287 to junction U.S. 20, thence along U.S. 20 to junction U.S. 310, thence along U.S. 310 to the Wyoming-Montana State line; and to points in that part of Montana on or west of a line beginning at the Wyoming-Montana State line and extending along U.S. 310 to junction U.S. 87, thence over U.S. 87 to junction Montana 19, thence over Montana 19 to junction U.S. 191, thence over U.S. 191 to junction Montana 242, thence over Montana 242 to the U.S.-Canadian Boundary Line near Morgan, Mont., and (2) *meats, meat products, meat by-products and articles* (except in bulk) distributed by meat packinghouses, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 20, and 766, fresh and frozen, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., New York,

N.Y., Harrisburg, York, Scranton, and Philadelphia, Pa.; to points in Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of Richmond, Va. and the State of Tennessee.

No. MC 108676 (Sub-No. E18) (Part II Sec. K., (Correction)), filed June 4, 1974, published in the FEDERAL REGISTER, issue of December 8, 1977, and partially republished, as corrected, this issue. Applicant: A. J. METLER HAULING & RIGGING, 117 Chica-mauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). *Coal and coke mining machinery, equipment, and vehicles and mine cars consisting of maintenance machinery and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), (K)(1) between points in Tennessee in or north of Weakley, Henry, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs Counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, points in Tennessee located north or northeast of a line beginning at the Tennessee-North Carolina State line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia (2) between points in Tennessee in or north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs Counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, all points in Tennessee north or northeast of a line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia, except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbott, Marion, Webster, Randolph, Calhoun, Early, Miller, and Seminole Counties; (3) between points in Tennessee in or north of Dyer, Crockett, Madison, Henderson, Decatur, Hum-

phreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs Counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, points in Tennessee north or northeast of a line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbot, Marion, Webster, Randolph, Calhoun, Baker, and Decatur Counties. The purpose of this partial republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E465), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). (1) *Meats, meat products and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from points in Wisconsin and Iowa to points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, and points in that part of Pennsylvania on and south of U.S. Highway 22 from the Ohio-Pennsylvania State Line to Nanty-Glo and on and west of U.S. Highway 219 from Nanty-Glo to the Pennsylvania-Maryland State Line. (2) *Meats, meat products and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, except hides and commodities in bulk, (a) from points in Wisconsin and those points in that part of Iowa on, north and west of a line beginning at the Illinois-Iowa State Line and its junction with U.S. Highway 61, thence south along U.S. Highway 61 to its junction with Iowa Highway 78, thence west along Iowa Highway 78 to its junction with Iowa Highway 1, thence south along Iowa Highway 1 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to its junction with U.S. Highway 63, thence south along U.S. Highway 63 to its junction with Iowa Highway 2, thence west along Iowa Highway 2 to its junction with Iowa Highway 5, thence south along Iowa Highway 5 to the Iowa-Missouri State Line to points in Maine, Vermont, New Hampshire, Delaware and points in that part of Pennsylvania on and north of U.S. Highway 22 from the Ohio-Pennsylvania State Line to Nanty-Glo and on and west of U.S. Highway 219 from Nanty-Glo to the Pennsylvania-Maryland State Line, points in that part of Maryland on and

east of U.S. Highway 15, points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State Line and junction West Virginia Highway 18, thence south along West Virginia Highway 18 to its junction with U.S. Highway 33, thence west along U.S. Highway 33 to its junction with West Virginia Highway 5, thence south along West Virginia Highway 5 to its junction with U.S. Highway 19, thence south along U.S. Highway 19 to its junction with U.S. Highway 60, thence south along U.S. Highway 60 to its junction at the West Virginia-Virginia State Line and its junction with U.S. Highway 60 and Virginia Highway 311, thence south along Virginia Highway 311 to its junction with U.S. Highway 220, thence south along U.S. Highway 220 to its junction at the Virginia-North Carolina State Line and the District of Columbia; and (b) from points in Iowa on, south and east of a line beginning at the Illinois-Iowa State Line and its junction with U.S. Highway 61, thence south along U.S. Highway 61 to its junction with Iowa Highway 78, thence west along Iowa Highway 78 to its junction with Iowa Highway 1, thence south along Iowa Highway 1 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to its junction with U.S. Highway 63, thence south along U.S. Highway 63 to its junction with Iowa Highway 2, thence west along Iowa Highway 2 to its junction with Iowa Highway 5, thence south along Iowa Highway 5 to its junction at the Iowa-Missouri State Line to points in Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland (except those on and west of U.S. Highway 15), points in West Virginia on and east of a line beginning at the Ohio-West Virginia State Line at its junction with West Virginia Highway 18, thence south along West Virginia Highway 18 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 19, thence south along U.S. Highway 19 to its junction with U.S. Highway 33, thence east along U.S. Highway 33 to its junction with U.S. Highway 219, thence south along U.S. Highway 219 to its junction with West Virginia Highway 39, thence east along West Virginia Highway 39 to its junction at the West Virginia-Virginia State Line and points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State Line and its junction with Virginia Highway 39, thence east along Virginia Highway 39 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to its junction with U.S. Highway 501, thence south along U.S. Highway 501 to its junction with U.S. Highway 29, thence south along U.S. Highway 29 to its junction at the Virginia-North Carolina State

Line and the District of Columbia. Restricted to the transportation of the commodities described above when moving from, to, or between warehouses and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, warehouses or other facilities of such plants. The purpose of this application is to eliminate the Chicago, Ill., and Union City, Ohio, gateways.

No. MC 114019 (Sub-No. E466), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). *Such foodstuffs* as is dealt in by wholesale food business houses, (A) Between points in Kenosha, Racine and Milwaukee Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to its junction with U.S. Highway 51, thence south along U.S. Highway 51 to its junction with Illinois Highway 92, thence west along Illinois Highway 92 to the Mississippi River. (B) Between points in Walworth County, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan, and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 6, thence west along U.S. Highway 6 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to the Mississippi River. (C) Between points in Waukesha County, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 6, thence west along U.S. Highway 6 to its junction with Illinois Highway 23, thence south along Illinois Highway 23 to its junction with Illinois Highway 18, thence west along Illinois Highway 18 to its junction with Illinois Highway 29, thence south along Illinois Highway 29 to its junction with Illinois Highway 90, thence west along Illinois Highway 90 to its junction with Illinois Highway 78, thence south along Illinois Highway 78 to its junction with Illinois Highway 116, thence west along Illinois Highway 116 to its junction with Illinois Highway 94, thence south along Illinois Highway 94 to its junction with Illinois Highway 96, thence west

along Illinois Highway 96 to the Mississippi River. (D) Between points in Rock and Green Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with Illinois Highway 48, thence south along Illinois Highway 48 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (E) Between points in Jefferson County, Wis., and points in that part of Wisconsin on, north and east of a line beginning at Lake Michigan, and extending west along Wisconsin Highway 190 to its junction with U.S. Highway 16, thence west along U.S. Highway 16 to its junction with Wisconsin Highway 19, thence west along Wisconsin Highway 19 to its junction with Wisconsin Highway 73, thence north along Wisconsin Highway 73 to its junction with Wisconsin Highway 49, thence north along Wisconsin Highway 49 to junction Wisconsin Highway 29, thence west along Wisconsin Highway 29 to junction U.S. Highway 51, thence north along U.S. Highway 51 to the Michigan-Wisconsin State line on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 136, thence west along U.S. Highway 136 to its junction with U.S. Highway 24, thence west along U.S. Highway 24 to the Mississippi River. (F) Between points in Dane, Columbia, Dodge, Fond du Lac, Marquette and Green Lake, Wis., and points in that part of Wisconsin on and west of U.S. Highway 45 beginning at Fond du Lac and extending to the Wisconsin-Michigan State line and on and east of Wisconsin Highway 13 beginning at the Wisconsin-Minnesota State Line, and points in and north of Columbia, and Dodge Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (G) Between points in that part of Wisconsin on and west of Wisconsin Highway 13 be-

ginning at Wisconsin Dells and extending to the Wisconsin-Michigan State line and on and north of U.S. Highway 16 beginning at Wisconsin Dells and extending to the Mississippi River on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (H) Between points in that part of Wisconsin on and north and east of a line beginning at Lake Michigan and extending west along Wisconsin Highway 33 to its junction with Wisconsin Highway 26, thence north along Wisconsin Highway 26 to its junction with U.S. Highway 45, thence north along U.S. Highway 45 to the Wisconsin-Michigan State line on the one hand, and, on the other, points in that part of Illinois on, and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 6, thence west along U.S. Highway 6 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to the Mississippi River. (I) Between points in that part of Wisconsin beginning at the Illinois-Wisconsin State Line and extending north along Wisconsin Highway 69 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to its junction with U.S. Highway 16, thence west along U.S. Highway 16 to the Mississippi River, thence south along the Mississippi River to the Illinois-Wisconsin State Line, thence east along the Illinois-Wisconsin State line to point of beginning on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to the Mississippi River. The purpose of this application is to eliminate the Chicago and Lansing, Ill., gateways.

No. MC 114019 (Sub-No. E467), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (Same as above). *Metal pans, tee bars, and accessories, insulating materials, board (building, fibre, straw, pulp, and mineral, straight or combined), perlite products and diatomaceous earth and asbestos combined*, from Chicago, Ill., to points

in Nebraska and Wisconsin (except Milwaukee, Racine, and Kenosha), points in the upper peninsula of Michigan, points in Indiana on and south of U.S. Highway 40, points in that part of Ohio on, east and south of a line beginning at the Michigan-Ohio State line and extending south along U.S. Highway 23 to junction U.S. Highway 475, thence south along U.S. Highway 475 to junction U.S. Highway 25, thence south along U.S. Highway 25 to junction U.S. Highway 75, thence south along U.S. Highway 75 to junction U.S. Highway 36, thence west along U.S. Highway 36 to the Indiana-Ohio State line; points in that part of Michigan, on, north and east of a line beginning at the Ohio-Michigan State line and extending north along U.S. Highway 23 to junction U.S. Highway 75, thence north along U.S. Highway 75 to junction U.S. Highway 10, thence west along U.S. Highway 10 to Lake Michigan, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line and points in West Virginia, Pennsylvania, and Covington and Louisville, Kentucky. Aluminum siding and parts, accessories, and materials used in the installation of aluminum siding, in mixed shipments with other building, roofing and insulating materials, from Chicago, Ill., to points in Kentucky. The purpose of the application is to eliminate the Joliet and Waukegan, Ill., gateways.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4191 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 13TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1978.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an ap-

plication may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 44TA), filed January 26, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to transport, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, such commodities as are dealt in by wholesale, retail, chain grocery, food business houses, and drug stores (except commodities in bulk) between Bedford Park, Ill., on the one hand, and, on the other, points in Brown, Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kewaunee, Manitowoc, Marquette, Outagamie, Ozaukee, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago Counties, Wis., points in Kenosha County, Wis., on and west of U.S. Highway 45, and points in Racine County, Wis., on and west of U.S. Highway 45 (except Milwaukee, Wis., and points within its commercial zone), restricted to the transportation of shipments originating at or destined to the facilities of Bristol-Myers Co. at Bedford Park, Ill., for 180 days. Supporting shipper: Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022 (Blaine Ross). Send protests to: Mrs.

Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 2368 (Sub-No. 74TA), filed January 27, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, P.O. Box 495, Richmond, Va. 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk, in dump vehicles, from Richmond, Va., and its commercial zone to points in North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. Calvin Hailey, Corporate Secretary, Richmond Guano Co., P.O. Box 544, Richmond, Va. 23204. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, room 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 26396 (Sub-No. 166TA), filed January 26, 1978. Applicant: POPPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 99, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the International Boundary Line, between the United States and Canada located in Minnesota and North Dakota, to points in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Illinois, Indiana, Ohio, Missouri, Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jim Pico, Operation Manager, Northwood Building Materials, 1460 Clarence, Winnipeg, Manitoba, Canada. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 566TA), filed January 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles) and articles manufactured for pets, from the plantsites of Sanna Division, Beatrice Foods Co., located at or Meno-

monie, Vesper, and Cameron, Wis., and the storage facilities of Sanna Division, Beatrice Foods Co., located at or near Eau Claire and Wisconsin Rapids, Wis., to points in New York, Pennsylvania, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, Virginia, West Virginia, Ohio, Indiana, Illinois (except points in the Chicago Commercial Zone), Michigan, Kentucky, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Florida, and the District of Columbia. Restricted to the traffic of Sanna Division, Beatrice Foods Co., originating at the above origins and destined to the named destinations, for 180 days. Supporting shipper: Sanna Division, Beatrice Foods Co., P.O. Box 8046, Madison, Wis. 53708 (James P. Zenzinger). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 570TA), filed January 25, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans*, from Fairport, N.Y., to Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212 (Joseph R. Erwin). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 55146 (Sub-No. 565TA), filed January 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, cleaning compounds, and toilet preparations*, from Kansas City, Kans., to Sioux Falls, S. Dak., and St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colgate-Palmolive Co., 1806 Kansas Avenue, Kansas City, Kans. 66105, (Ralph Stingo). Send protests to: Gail Daugherty, Transportation

Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 100666 (Sub-No. 379TA), filed January 23, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Keokuk, Iowa, to Austin, Dallas, and El Paso, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hibdon Wholesale Hardwood, P.O. Box 15609, St. Louis, Mo. 63163. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 110988 (Sub-No. 358TA), filed January 25, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Gitedge Building, Appleton, Wis. 54911. Applicant's representative: Paul Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic and trisodium phosphate solution*, from Presque Isle Station, Marquette, Mich., to Calmet City, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bechtel Power Corp., Agent for Upper Peninsula Generating Co., 15740 Shady Grove Road, Gaithersburg, Md. 20760 (D. J. DiTommaso). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 113651 (Sub-No. 251TA), filed December 27, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Applicant's representative: Paul R. Bergant, Esq., Singer & Sullivan, P.C., 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, dairy products and articles distributed by meat packinghouse*, as described in Section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from: (1)

The plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., (2) the plantsite and storage facilities of John Morrell & Co. at Esterline, Iowa, to: (1) points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Ft. Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 779TA), filed January 26, 1978. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., P.O. Box 1298, Gainesville, Ga. 30501 (Ms. Ellen Jacobs). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 127303 (Sub-No. 31TA), filed January 25, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, Ill. 61326. Applicant's representative: Dwight L. Koerber, Jr., 666 11th Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis/St. Paul, Minn., to Kansas City, Kans., empty containers, on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schatz Distributing Co., Thomas G. White, Jr., sales manager, 750 Cheyenne, Kansas City, Kans. 66105. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 124813 (Sub-No. 180TA), filed January 26, 1978. Applicant:

UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kansas City, Mo., Minneapolis, Minn.; and E. Chicago, Ill.; to L. C. Spencer Steel at or near Clarion, Iowa, restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. C. Spencer Steel, R.R. No. 2, Clarion, Iowa 50525. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 127752 (Sub-No. 5TA), filed December 27, 1977. Applicant: WILLIAM P. RALSTON, Box 54, Bern, Kans. 66408. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal treats and specialty extruded items for pets* from the plantsite and/or storage facilities of Bern Extrusion, Inc. at or near Bern, Kans., to points in Alabama, Arizona, California, Idaho, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin. (2) *Pet food and animal treats*, from the plantsite and/or storage facilities of O. A. Copper Co., at or near Abilene, Kans., to points in Alabama, Arizona, California, Colorado, Idaho, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. (3) *Pet Food ingredients*, from Humboldt, Nebr., to Bern, Kans. *Extruded pet food*, from Fall City, Nebr., to Bern, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bern Extrusion, Inc., P.O. Box 143, Bern, Kans. 66408. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. & U.S. Courthouse, 444 S.E. Quincy, Topeka, Kans. 66683.

No. MC 128273 (Sub-No. 283TA), filed January 25, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier* by

motor vehicle, over irregular routes, transporting: *Paper and paper products* from the facilities of Champion International Corp., at or near Cincinnati, Ohio, to points in the states of California, Colorado, and Texas. Restrictions: Restricted against the transportation of commodities in bulk and restricted to traffic originating at the facilities of Champion International Corp. for 180 days. Supporting shipper: Champion International Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 129624 (Sub-No. 13TA), filed January 26, 1978. Applicant: ROUTE MESSAGERS OF PENNSYLVANIA, INC., 2425 Bainbridge Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, toilet preparations, insect control products, air fresheners, brooms, brushes, mops and advertising material related to the foregoing*, from Philadelphia, Pa., to points in Adams, Cumberland, Dauphin, Franklin, Lebanon, Lycoming, Lancaster, Northumberland, Columbia, Carbon, Luzerne, Montour, Monroe, Schuylkill and York Counties, Pa. Restricted to traffic having a prior movement by motor carrier, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Fuller Brush Co., 1000 Skokie Blvd., Willmette, Ill. 60091. Send protests to: T. M. Esposto, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 133703 (Sub-No. 9TA), filed January 27, 1978. Applicant: WISCONSIN CHEESE SERVICE, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, Wis. 53186. Applicant's representative: David V. Purcell, 111 E. Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Coleman, Eden, Gillett, New Richmond, and Oakfield, Wis., to points in Alabama, Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Tennessee, under a continuing contract or contracts with Friday Canning Corp., located at New Richmond, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Friday Canning Corp., 660 North Second Street, New Richmond, Wis.

54017 (Harlan Yager). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138157 (Sub-No. 55TA), filed January 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting* from the plantsite of E.T.C. Carpet Mills Ltd., at or near Santa Ana, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Restriction: Restricted to traffic originating at the facilities of E.T.C. Carpet Mills Ltd., or 90 days. Supporting shipper: E.T.C. Carpet Mills, Ltd., 3201 South Susan Street, Santa Ana, Calif. 92704. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138512 (Sub-No. 29TA), filed January 28, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, inedible meat and meat by-products* (except commodities in bulk), used in the manufacture of animal feed, between points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Wisconsin, under a contract with Landers and Sowers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landers & Sowers, Inc., P.O. Box 21134, North Pecos Br., Denver, Colo. 80221, (Kenneth C. Landers). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 141641 (Sub-No. 8TA), filed January 27, 1978. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 280, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as

defined by the Commission, foodstuffs, commodities in bulk, and those requiring special equipment). From Akron, Cincinnati, and Cleveland, Ohio; Baltimore, Md.; Cranston, R.I.; Milford, Conn.; North Bergen and Secaucus, N.J.; Philadelphia, Pa.; and Syracuse, N.Y., to Dallas, Fort Worth, Amarillo, Irving, El Paso, Houston, Laredo, Lubbock, and San Antonio, Tex.; (restricted to traffic moving on bills of lading of freight forwarders), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Florida-Texas Freight, Inc., 11405 N.W. 36 Avenue, Miami, Fla. 33167. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 142600 (Sub-No. 6TA), filed January 26, 1978. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins, and compounds and products thereof, and such other commodities as are manufactured and distributed by chemical manufacturers* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hercules Inc., at or near Brunswick and Savannah, Ga., to Hattiesburg, Miss., Baton Rouge, La., and points in Arizona, California, Colorado, Oregon, and Washington. Restriction: Restricted to shipments moving under a continuing contract or contracts with Hercules Inc. Supporting shipper: Hercules Inc., 1 Maritime Plaza, San Francisco, Calif. 94111. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 143215 (Sub-No. 3TA), filed January 26, 1978. Applicant: CYCLES Ltd., P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and floor tile and materials, supplies and equipment used in the installation and maintenance of floor covering and floor tile*, from Rabun Gap, Dalton, and Chatsworth, Ga.; McGehee, Ark.; Chattanooga, Tenn.; Glasgow, Va.; Willow Grove and Fogelsville, Pa.; and Elk Grove Village, Ill., to points in California, Nevada, Oregon, and Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of

operating authority. Supporting shipper: B. R. Funsten & Co., 598 7th Street, San Francisco, Calif. 94103. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 144123TA, filed December 27, 1977. Applicant: MARCANN CARRIERS, INC., 6 Wynchview Drive, Westfield, N.J. 07090. Applicant's representative: Robert J. Gallagher, Esq., 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and yarn*, from Rocky Mount, Fayetteville, Kisston, Lumbertob, and Goldsboro, N.C., to points in the states of California, New Jersey, New York, and Pennsylvania for 180 days. Restriction: Restricted to transportation services to be performed under a continuing contract or contracts with Texfi Industries, Inc. of Greensboro, N.C. Supporting shipper: Texfi Industries, Inc., P.O. Box 20348, 1400 Battleground Ave., Greensboro, N.C. 27420. Send protests to: Robert E. Johnston, District Commerce Commissioner, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144192 (Sub-No. 1TA), filed January 27, 1978. Applicant: GEORGE SIMON, d.b.a. Simon Feed Store, 206 1st Street N.W., Farley, Iowa 52046. Applicant's representative: Gary Ankeny, 104 1st Street N.W., Farley Iowa 52046. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Twenty eight percent and thirty two percent urea ammonium nitrate solution* from the plantsite and storage facilities of Map-Ren, located at or near East Dubuque, Ill., to points in Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mapco Inc., Indian Point Div., Box 43, R.R. 2, Athens, Ill. 62613. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4194 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 14TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the

provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined of the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 165TA), filed January 3, 1978. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Albert Bowman, 71 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bettendorf, Iowa, to points in the States of Indiana, Illinois, Kentucky, Michigan, Ohio, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.), thence along U.S. Highway 522 to junction U.S. Highway 322 (near Lewistown, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, N.Y. 10624. Send protests to: District Supervisor, Inter-

state Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608

No. MC 51146 (Sub-No. 568TA), filed January 18, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends, and materials and supplies* used in the manufacture and distribution of containers and container ends (except commodities in bulk), between the warehouses and the facilities of or utilized by Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, Wis.; Memphis, Tenn.; Longview, Tex.; Tampa, Fla.; Syracuse, N.Y.; Winston-Salem, N.C.; Chatsworth and Van Nuys, Calif., and Fairport, N.Y., for 180 days. Supporting shipper(s): Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212 (Joseph R. Erwin). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 55896 (Sub-No. 61TA), filed January 5, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mufflers, brackets and parts therefor*, from the facilities of International Stamping Co. in Hartford, Wis., to Toledo and Perrysburg, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Stamping Co., a division of Midas International Corp., 339 Grant Street, Hartford, Wis. 53027. Gilbert Green, Traffic Manager. Send protests to: Erma W. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building, and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 88203 (Sub-No. 9TA), filed January 6, 1978. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, Ohio 45802. Applicant's representative: Earl N. Merwin, 86 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, textile softeners, and cleaning, scouring and washing compounds*, between points in Allen

County, Ohio, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, under a continuing contract, or contracts, with the Procter & Gamble Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Distributing Co., P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107403 (Sub-No. 1056TA), filed January 3, 1978. Applicant: MAT-LACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plant-site of Agrico Chemical Co., at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-mentioned plant-site, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: T. M. Esposito, Transportation Specialist, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 109692 (Sub-No. 53TA), filed January 20, 1978. Applicant: GRAIN BELT TRANSPORTATION CO., 340 North James Street, Kansas City, Mo. 66118. Applicant's representative: Warren H. Sapp, 4420 Madison, Suite 230, Kansas City, Mo. 64111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds and feed ingredients* (except in bulk), from the plant-site and storage facilities of Harvest Brands, a Division of Harvest Industries, Inc., located at or near Pittsburg, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and that part of Tennessee located on and west of U.S. Highway 231, for 180 days. Supporting shipper(s): Harvest Brands, a Division of Harvest Industries, Inc., P.O. Box 46, Pittsburg, Kans. 66762. Send protests to: Vernon V. Coble District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113666 (Sub-No. 121TA), filed January 6, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229.

Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry between the United States and Canada located in Buffalo and Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plant-site or storage facilities of Snavelly Forest Products, Inc., located in Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Snavelly Forest Products, Inc., P.O. Box 9808, Pittsburgh, Pa. 15227. Send protests to: John J. England District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114211 (Sub-No. 338TA), filed January 10, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa. 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest and wood products*, from the International boundary line between the United States and Canada, located at Noyes, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio, restricted to movements, from the facilities utilized by Manitoba Forestry Resources, Ltd., located in the provinces of Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Manitoba Forestry Resources, Ltd., 902, 213 Notre Dame Street, Winnipeg, Manitoba, Canada. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa. 50309.

No. MC 114569 (Sub-No. 205TA), filed January 3, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, P.O. Box 418, New Kingstown, Pa. 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins

and commodities in bulk), from the plant-site and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and District of Columbia, and (2) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (except hides and skins and commodities in bulk), from the plant-site and storage facilities of John Morrell & Co., at Estherville, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, Pa. 17108.

No. MC 114632 (Sub-No. 136TA), filed January 20, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, 212 SW. Second Street, Madison, S. Dak. 57024. Applicant's representative: Michael L. Carter, 212 SW. Second Street, Madison, S. Dak. 57024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to Landover, Md., Boston and Marlboro, Mass.; New York and Rochester, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morgan Colorado Beef, Box 487, Fort Morgan, Colo. 80701. (Tim Hopkins Traffic Manager). Send protests to: J. L. Hammond District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 117786 (Sub-No. 8TA), filed January 18, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, Ariz. 85009. Applicant's representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406, Executive Bldg., Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, mats, matting or*

rugs, carpet or rug cushions, cushioning, lining, pads or padding, yarn or yarns, from Talladega, Ala., and Pryor, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, between Talladega, Ala., and Pryor, Okla.; and (2) fibre, chemicals, cones, dyes, dye-stuffs, machine and machinery parts, cores, complete machines, from points in Alabama, Georgia, North Carolina, South Carolina and Tenn., to Talladega, Ala., and Pryor, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Yarn Mills, Inc., P.O. Box 102, Pryor, Okla. 74361. Send protests to: Andrew V. Baylor District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 118535 (Sub-No. 112TA), filed January 13, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Tom Ventura, 111 South Prospect, Butler, Mo. 64730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Pet food, animal and poultry feed, animal and poultry feed ingredients, and (2) Animal and poultry feed and animal and poultry feed ingredients, (a) from Webb City, Mo., to all points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin, and (b) from Girard, Kans., to all points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Building, Minneapolis, Minn. 55402. Send protests to: John V. Barry District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119315 (Sub-No. 23TA), filed January 5, 1978. Applicant: FREIGHTWAY CORP., 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, Paul F. Beery Co., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pentaerythritol and sodium formate (except commodities in bulk), from the plantsite of Perstorp, Inc., at Toledo, Ohio, to points in Georgia, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, New Jersey, (except points in Sussex, Cape May, Cumberland, Salem, Atlantic and Gloucester Coun-

ties), Buffalo, Rochester, Syracuse, and New York City, N.Y., and their commercial zones, and points in Allegheny and Westmoreland Counties, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Perstorp, Inc., 600 Matzinger Road, Toledo, Ohio 43612. Send protests to: Keith D. Warner District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133318 (Sub-No. 9TA), filed January 19, 1978. Applicant: VAN DE HOGEN CARTAGE LTD., 2590 Dougall Avenue, Windsor, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rough and dressed lumber and waferboard, for the account of McParland Lumber Ltd., from ports of entry on the International Boundary line between the United States and Canada in New York and at Detroit and Port Huron, Mich., to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Ohio, Virginia, and West Virginia, and returned shipments in the reverse direction, restricted to the transportation of shipments originating at points in Canada, under a continuing contract, or contracts, with McParland Lumber Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McParland Lumber Ltd., 701 Evans Avenue, Suite 807, Etobicoke, Ontario, Canada. (John Almand Traffic Manager). Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 134402 (Sub-No. 3TA), filed January 3, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, N. Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) Meat, meat products and meat byproducts (except hides and commodities in bulk), (1) from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc., in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, to Charleston, S.C.; Jacksonville, Fla.; Gulfport, Miss.; New Orleans, La.; and Houston, Tex.; (2) from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc.,

in Illinois, Iowa (except Sioux City), Kans., Minnesota (except Worthington), Mo., and Nebraska (except Omaha) and South Dakota to Miami, Riviera Beach and Tampa, Fla., and (B) meat, meat products and meat byproducts (except frozen pork, hides and commodities in bulk), from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc., Sioux City, Iowa, Worthington, Minn., and Omaha, Nebr., to Miami, Riviera Beach and Tampa, Fla., under a continuing contract or contracts with Weinstein International Corp., and its subsidiary Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAlister, Director of Transportation, Weinstein International Corp., 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr.

No. MC 134477 (Sub-No. 209TA), filed January 6, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products and meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak., to Los Angeles, Calif., restricted to the traffic originating at the facilities of Huron Dressed Beef, Inc., at or near Huron, S. Dak., and destined to the above named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Huron Dressed Beef, Inc., P.O. Box 924, Huron, S. Dak. 57350. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 212TA), filed January 5, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and byproducts, and articles distributed by meat packing houses, as described in sections A and C of Ap-

pendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and *frozen prepared foods* (except hides and commodities in bulk), from Eau Claire, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the facilities of Armour Food Co. at or near Eau Claire, Wis., and destined to the above named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134484 (Sub-No. 16TA), filed January 17, 1978. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite of Country Meats, at or near Blackfoot, Idaho, to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Wash., for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): County Meats, P.O. Box 948, Blackfoot, Idaho 83221. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 134701 (Sub-No. 3TA), filed January 19, 1978. Applicant: J-V, INC., 9832 Tonya Drive, Sandy, Utah 84070. Applicant's representative: BOYD M. FULLMER of FULLMER & HARDING, 530 East Fifth South, Suite 203, Salt Lake City, Utah 84102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer* dry in bags, from the Canadian port of entry near Sweetgrass, Mont., to Maricopa, Pima, and Yuma Counties, Ariz.; and Los Angeles, San Francisco, Fresno, Placer, Sacramento, Nevada, Kings, Tulare, Kern, Ventura, Riverside, Orange, San Bernardino and Imperial Counties, Calif., under a continuing contract or contracts with Sherritt Gordon Mines Ltd., and Pa-

cific Coast Resources Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Sherritt Gordon Mines Ltd., Fort Saskatchewan, Alberta, Canada. (Fred Kozak, Assistant Manager, Transportation.) (2) Pacific Coast Resources Corp., 6055 E. Washington Boulevard, Los Angeles, Calif. 90040. (John E. Campbell, Vice President.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah. 84138.

No. MC 135797 (Sub-No. 94TA), filed January 4, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food*, in containers, from the plantsite of Far Mar Co., (Subsidiary of Farmland Industries), custom packers for Kal Kan Foods, Inc., Hutchinson, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, Calif. 90058. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138713 (Sub-No. 2TA), filed January 6, 1978. Applicant: R&G TRANSIT CORP., P.O. Box 248, R.R. No. 2, Staunton, Ill. 62088. Applicant's representative: Ricky J. Odorizzi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Staunton, Ill., and the Commercial Zone of St. Louis, Mo., serving the intermediate Illinois points of Livingston, Worden, Hamel, Edwardsville, and Maryville in Daily (5) days per week service with incidental charter operations, between the above points and Greenville, Ill., on the one hand, and, all points in the contiguous 48 States on the other, for 180 days. Supporting shipper: There are several statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Charles D.

Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 139360 (Sub-No. 9TA), filed January 13, 1978. Applicant: RAE-MARC, INC., 1903 Chicory Road, P.O. Box 1203, Racine, Wis. 53403. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by manufacturers and distributors of liquid soap, toilet preparations, chemicals, and household products, from the facilities of S. C. Johnson & Son, Inc., at or near Waxdale, Wis., to points in the lower peninsula of Michigan, Illinois, Indiana, Iowa, Missouri, and Ohio, restricted to traffic carried, under a continuing contract, or contracts, with S. C. Johnson & Son, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. C. Johnson & Son, Inc., Racine, Wis. 53403 (Gilbert H. Anderson). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 143405 (Sub-No. 1TA), filed January 16, 1978. Applicant: LOGANSPORT AGRI-TRANSPORT, INC., Rural Route 2, Davis Junction, Ill. 61020. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, related animal health care items, and sales promotion items*, (except lards, fats, tallows, oils, and greases, in bulk, in tank vehicles), between the plantsite of Kent Feeds, Inc., located at Logansport, Ind., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, Kentucky, Tennessee, West Virginia, Pennsylvania, Wisconsin, Iowa, Missouri, Nebraska, and Minnesota, under a continuing contract, or contracts, with Kent Feeds, Inc., for 180 days. Restrictions: (1) Restricted against the transportation of chemicals, in bulk, in tank vehicles, from Memphis, Tenn., to Logansport, Ind., and (2) restricted against the transportation of commodities, in bulk, in tank vehicles, which originate from Chattanooga, Tenn., Alexandria, Ohio, and Springfield and Verona, Mo., and (3) restricted to transportation services performed pursuant to contracts or a continuing contract, with Kent Feeds, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of op-

erating authority. Supporting shipper: Kent Feeds, Inc., Thomas D. Donis, Traffic Manager, 1600 Oregon Street, Muscatine, Iowa. 52761. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 144101 (Sub-No. 1TA), filed January 6, 1978. Applicant: R. R. STANLEY, Box 95, Mesquite, Tex. 75149. Applicant's representative: Richard T. Churchill, 3000 Sandage Street, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, NOI, prepared dough, not frozen, cakes, cookies, rolls, frozen, icing paste, shipments limited to palletized loads, temperature controlled, and 41,000 pound aluminum weight subject to contract between shipper and applicant, between plantsite of The Pillsbury Co., 3400 Texoma Drive, Denison, Tex., to plantsite of The Pillsbury Co., 1436 Goodrich Boulevard, Los Angeles, Calif., and return, under a continuing contract, or contracts, with The Pillsbury Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, room 13c12, Dallas, Tex. 75242.*

No. MC 144160TA, filed January 5, 1978. Applicant: DONALD A. HALVORSEN, 19000 Southwest Wright Court, Aloha, Ore. 97005. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Greases, motor and lubricating oils, tires, batteries, and empty returned drums (except commodities in bulk, in tank vehicles), between Portland, Ore., on the one hand, and, on the other, Spokane, Toppenish, Shelton, Hoquiam, CleElum, and Colville, Wash., and Sand Point, Coeur D'Alene, Kellogg, and St. Marie's, Idaho, under a continuing contract, or contracts, with Gott Oil Co., Inc., Budget Oil Co., Pettit Oil Co., and R. H. Bowles Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Gott Oil Co., Inc., P.O. Box 247, Shelton, Wash. 98585, (2) Budget Oil Co., North 111 Greene Street, Spokane, Wash. 99202, (3) Pettit Oil Co., 820 Myrtle Street, Hoquiam, Wash. 98550, (4) R. H. Bowles Co., Inc., P.O. Box 431, Toppenish, Wash. 98948. Send protests to: A. E. Odoms, District Supervisor,*

Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Court-house, 555 Southwest Yamhill Street, Portland, Ore. 97204.

No. MC 144162TA, filed January 6, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 27301 Camp Plenty Road, Canyon Country, Calif. 91351. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, No. 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Safes, vaults, and insulated files, and (2) parts, accessories, and components of commodities described in Paragraph (1), from Canelton and Lafayette, Ind., to points in California, Nevada, and Arizona; and restriction: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Ed Pauly & Associates, Inc., for 180 days. Supporting shipper: Ed Pauly & Associates, Inc., 2936 East 46th Street, Vernon, Calif. 90058. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.*

No. MC 144163TA, filed January 5, 1978. Applicant: CRAVEN, INC., d.b.a. ROCHE MOVING & STORAGE, INC., 505 South 1st Avenue, Pocatello, Idaho 83201. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and de-containerization of such shipments, between Pocatello and Idaho Falls, Idaho, on the one hand, and, on the other, points in Bonneville, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and Bingham Counties, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Naval Administrative Unit, 551 Second Street, Idaho Falls, Idaho. 83401. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho. 83706.*

No. MC 144203TA, filed January 18, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour and middlings, from Martins Creek, Red Lion, Treichlers, and York, Pa., to points in Delaware, the District of Columbia, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, and; (2) flour enrichment, from Totowa, N.J., and Woodside and Brooklyn, N.Y., to Martins Creek, Treichlers, Red Lion, and York, Pa., restricted to transportation performed, under a continuing contract, or contracts, with ConAgra, Inc., of Omaha, Nebr., for 180 days. Supporting shipper: Edward S. Duncza, Supervisor of Fleet Operation, ConAgra, Inc., 200 Kiewit Plaza, Omaha, Nebr. 68131. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.*

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4193 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 16TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment re-

sulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Filed Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52917 (Sub-No. 65TA) (correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except bananas), in vehicles equipped with temperature control, between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington, and Baltimore Counties, Md.; Delaware; New Jersey; Baltimore, Md.; Washington, D.C.; New York, N.Y.; Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia or east of Interstate Highway 95; and points in Stafford, Prince William, and Fairfax Counties, Va. west of Interstate Highway 95; and points in Pennsylvania east of the Susquehanna River, restricted against the transportation of canned goods from Cheriton and Hopeton, Va. to points in New York, New Jersey, and Pennsylvania, and further restricted against the transportation of frozen foods from points in New Jersey and Pennsylvania (except Philadelphia) to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201. The purpose of this republication is to add a State that was inadvertently omitted.

No. MC 106674 (Sub-No. 279TA), filed January 18, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials and materials, equipment and supplies* used in the manufacture and installation of building materials (except commodities in bulk), from Franklin,

Ohio (Warren County), to Rock Hill, Mo. (St. Louis County), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington Street, East Walpole, Mass. 02032. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 111302 (Sub-No. 115TA), filed January 18, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470-1500 Amherst Road, Knoxville, Tenn. 37921. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from the plant-site of Cargill, Inc., in Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., P.O. Box 1298, Gainesville, Ga. 30501. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 111401 (Sub-No. 510TA), filed January 20, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Louis, Mo., to Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Minnesota, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Ashland Petroleum Co., division of Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 113828 (Sub-No. 250TA), filed January 16, 1978. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bulk and package calcium aluminate cement*, from Norfolk, Va., to Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan,

Illinois, Mississippi, Vermont, Maine, New Hampshire, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lone Star LaFarge, Inc., 18 Koger Executive Center, Suite 18 Norfolk, Va. 23502. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 115654 (Sub-No. 73TA), filed January 11, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue, NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the facilities of Baird-Ward Printing Co. at Nashville, Tenn., to Effingham, Mattoon, Chicago, and Forest Park, Ill.; Indianapolis, Ind.; Cincinnati, Columbus, Cleveland, and Lima, Ohio; and Detroit, Mich., and their respective commercial zones, for 180 days. Supporting shipper: Baird-Ward Printing Co., P.O. Box 539, Nashville, Tenn. 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 119903 (Sub-No. 12TA), filed January 18, 1978. Applicant: D. J. WALRAVEN, P.O. Box 1045, 501 S. Broad Street, Rome, Ga. 30161. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a tract carrier, by motor vehicle, over irregular routes, transporting: (1) *Aluminum extrusions, aluminum doors, and aluminum windows*, (2) *scrap aluminum and* (3) *paint and chemicals* used in the manufacture of the commodities in (1) above (except in bulk), on shipper owned trailers, between the plantsite of V. E. Anderson Mfg. Co., at Rome, Ga. on the one hand and, on the other, points in Indiana; and between the plantsite of V. E. Anderson Mfg. Co., at Warsaw, Ind. on the one hand and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Minnesota, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V. E. Anderson Mfg. Co., P.O. Box 121, Rome, Ga. 30161. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., rm. 300, Atlanta, Ga. 30309.

No. MC 124078 (Sub-No. 777TA), filed January 18, 1978. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in tank vehicles, from Bristol, Tenn. and the facilities of Reiss Viking Corp. at or near Monongah, W. Va., to points in Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Reiss Viking Corp., P.O. Box 688, Sheboygan, Wis. 53081. (Peter A. DeWitt.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124554 (Sub-No. 18TA), filed January 17, 1978. Applicant: LANG CARTAGE CORP., 338 South 17th Street, P.O. Box 2055, Milwaukee, Wis. 53201. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a retail mail-order house (except furniture)*, from LaCrosse and Milwaukee, Wis. to points in Wisconsin, the Upper Peninsula of Michigan, and in Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmstead, Steele, Wabasha, Waseca, and Winona Counties, Minn., under a continuing contract or contracts with Alden's, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alden, Inc., 5000 W. Roosevelt Road, Chicago, Ill. 60607. (Thomas A. Slover.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 125023 (Sub-No. 51TA) filed January 16, 1978. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cleveland, Ohio and Philadelphia, Pa., to Short Gap, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ridgeley Distributors, Inc., P.O. Box

622, Ridgeley, W. Va. 26753. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127539 (Sub-No. 64TA), filed January 11, 1978. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenhaler, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Yakima and Benton counties, Wash. to points in Arizona, California, Nevada, and Oregon, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Welch Foods, Inc., 2-4 South Portage, Westfield, N.Y. 14787 and (2) Seneca Foods Corp., Lee Road, Prosser, Wash. 99350. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 127598 (Sub-No. 4TA), filed January 17, 1978. Applicant: HARRY M. MOWREY, 5865 Pleasant Hill Road, Milford, Ohio 45150. Applicant's representative: John F. Fulcher, 219 Chincoppe Avenue, Hopatcong, N.J. 07843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products (except frozen poultry and poultry products)*, *dairy plant equipment (except articles because of size, shape, or weight require the use of special equipment)*, *materials and supplies*, between Louisville, Ky. on the one hand and, on the other, points in Illinois on or south of Interstate Highway 74, and points in Missouri on and north of U.S. Highway 60 and points on and east of U.S. Highway 67, including St. Louis, Mo., under a continuing contract or contracts with Beatrice Foods, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beatrice Foods, Marvin Powers, Sales Manager, 2815 Magazine Street, Louisville, Ky. 40211. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio. 45202.

No. MC 128343 (Sub-No. 36TA), filed January 17, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chapat, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Plastic pots, crushed pine cones, ground shale, clay pebbles, and nutrients and other plant foods*, (1) from Birmingham, Ala. to Halls, Tenn., Hemingway, S.C., Jerome, Idaho, North Smithfield, R.I., and ports of entry on the United States-Canada boundary line in Michigan, New York, and Vermont, (2) from North Smithfield, R.I., to Memphis, Tenn. and points in Kentucky and Missouri, (3) from Halls, Tenn. to Memphis, Tenn., and (4) from North Smithfield, R.I. to points in Michigan, and; (5) from North Smithfield, R.I. and Jerome, Idaho, to points in Minnesota and Wisconsin, under a continuing contract or contracts with the Tupperware Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Tupperware Co., North Smithfield, R.I. 02895. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, R.I. 02903.

No. MC 129387 (Sub-No. 48TA), filed January 16, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, (except hides and commodities in bulk), from Huron, S. Dak.; Omaha, Nebr.; and Worthington, Minn., to Florida and Georgia, restricted to traffic originating at the facilities of Armour Food Co. at the named origins and destined to the named destination States, for 180 days. Supporting shipper(s): Armour Food Co., 111 W. Clarendon, Greyhound Tower, Phoenix, Ariz. 85077. D. A. Chute, Manager, Transportation and Distribution. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 134300 (Sub-No. 16TA), filed January 9, 1978. Applicant: TRIPLE R EXPRESS, INC., P.O. Box 12866, 498 First Street N.W., New Brighton, Minn. 55112. Applicant's representative: James T. Flescher, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except commodities in bulk)*, from the plantsite or warehouse facilities of Jenos, Inc., at Duluth, Minn., and Superior, Wis., to points in Alabama, Georgia, Kentucky, Mississippi and

Tennessee, for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134300 (Sub-No. 17TA), filed January 11, 1978. Applicant: TRIPLE R EXPRESS, INC., P.O. Box 12866, 498 First Street, NW., New Brighton, Minn. 55112. Applicant's representative: James T. Flescher, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from plantsite or warehouse facilities of Jeno's, Inc., at Duluth, Minn., and Superior, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134402 (Sub-No. 4TA), filed January 17, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, North Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, (except commodities in bulk, and hides), from the facilities utilized by Weinstein International Corp., and Iowa Pork Industries, Inc., in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, South Dakota and Wisconsin, to points in Connecticut, Maine, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts, with Weinstein International Corp., and its subsidiary Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAlister, Director of Transportation, Weinstein International Corp., and Iowa Pork Industries, 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134477 (Sub-No. 215TA), filed January 18, 1978. Applicant:

SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Iowa Beef Processors, Inc., at or near Luverne, Minn., to points in the States of North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134531 (Sub-No. 10TA), filed January 18, 1978. Applicant: AGGREGATE HAULERS, INC., Route 2, Box 559-A, West Columbia, S.C. 29169. Applicant's representative: Burton W. Lanier, Route 2, Box 559-A, West Columbia, S.C. 29169. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazed structural masonry products*, from Mt. Holly, S.C., to points in Georgia, Alabama, Mississippi, Florida, North Carolina, Tennessee, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United Glazed Products, Box 56, Highway 52, Mt. Holly, S.C. 29463. Send protests to: E. E. Strothel, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 134755 (Sub-No. 126TA), filed January 16, 1978. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, (except in bulk), (1) from Berlin, Md., to points in Arizona, Arkansas, California, Iowa, Kansas, Missouri, Nebraska, Ohio, Oklahoma, Oregon, Texas, Washington, and New Mexico; and (2) from Dayton and Lewisburg, Ohio, to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Oregon, Texas, Washington, and

New Mexico, for 180 days. Supporting shipper(s): Iams Food Co., 3622 Delphos Avenue, Dayton, Ohio 45417. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135861 (Sub-No. 26TA), filed January 17, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2715 Ellis Avenue, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Suppositories, medicines, and drugs*, in temperature controlled equipment, from Los Angeles, Calif., to be the facilities of E. R. Squibb & Sons, Inc., at Mission, Kans.; Rolling Meadows, Ill.; Michigan City, Ind.; Sharonville, Ohio; Burlington, Mass.; and Somerset and New Brunswick, N.J., under a continuing contract, or contracts, with E. R. Squibb & Sons, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. R. Squibb & Sons, Inc., P.O. Box 191, New Brunswick, N.J. 08903. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 136166 (Sub-No. 30TA), filed January 18, 1978. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime*, in bulk, in tank or hopper-type vehicles, between ports of entry located on the United States-Canadian boundary line at or near Oroville and Laurier, Wash., on the one hand, and, on the other the Western nuclear plant at or near Wellpoint, Wash., for 180 days. Supporting shipper: Steel Brothers Canada, Ltd., 4836 6th Street NE., Calgary, Alberta, Canada T2E 3Z9. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 138328 (Sub-No. 54TA), filed January 16, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of the Ceco Corp., located at or near Milan, Tenn.,

to points in Missouri, for 180 days. Supporting shipper(s): Donald R. D'Argento, Traffic Manager, the Ceko Corp., 5601 West 26th Street, Chicago, Ill. 60650. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138512 (Sub-No. 28TA), filed January 17, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* (except commodities in bulk), from Plymouth, Wis., to Memphis and Nashville, Tenn.; Atlanta, Ga.; and to points in Louisiana and Texas, and from Hartington, Nebr.; Luana, St. Olaf, and Hopkinton, Iowa, to Plymouth and Elkhart Lake, Wis., under a continuing contract, or contracts, with Sargento Cheese Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sargento Cheese Co., Inc., P.O. Box 360, Plymouth, Wis. 53073 (Daniel E. Buss). Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139495 (Sub-No. 307TA), filed January 19, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and door hardware, accessories, and parts*, from the facilities of Jim Walter Doors, a Division of Celotex Corp., at or near Williamsport, Pa., to points in California, Colorado, Idaho, Kansas, Nebraska, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jim Walter Doors, a Division of Celotex Corp., 1500 North Dale Mabry Highway, Tampa, Fla. 33622. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 143775 (Sub-No. 1TA), filed January 10, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's rep-

resentative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux City, Iowa, and Madison, Nebr., to Baltimore, Md.; Philadelphia, Pa.; and Smithville, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 143910 (Sub-No. 1TA), filed January 16, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, N.H. 03108. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, food-treating compounds, chemicals, and additives* (except in bulk), and *advertising paraphernalia, and materials, equipment, and supplies* used in the manufacture, preparation, sale, and distribution of spices, extracts, convenience foods, products, salad dressing, and foodstuffs (except in bulk), and (2) *commodities*, the transportation of which is exempt from regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above, for the account of McCormick & Co., Inc., between Hunt Valley and Cockeysville, Md., and their respective commercial zones, on the one hand, and, on the other, points in Virginia, New Jersey, Delaware, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and the District of Columbia, under a continuing contract, or contracts, with McCormick & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McCormick & Co., Inc., 11350 McCormick Road, Hunt Valley, Md. 21031. (Attn: John W. Highfield, Manager—Distribution). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6 Loudon Road, Room 3, Concord, N.H. 03301.

No. MC 144113 (Sub-No. 1TA), filed January 4, 1978. Applicant: PRESS-

COTT TRUCKING CORP., 218 Oak Street, Elizabeth, N.J. 07207. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *textiles and Textile Picture Kits*, from Lynchburg, Va., Madison Heights, Va., Pawtucket, R.I., Taylorsville, Statesville, Greenville, Aberdeen and Williamston, N.C., Greenville, Lugoff, Simpsonville, Watauga, Kingstree and Williamston, S.C., to points in New Jersey, Connecticut, Massachusetts, and Rhode Island under a continuing contract or contracts with N. Erlanger, Blumgart & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N. Erlanger, Blumgart & Co., Inc., 1450 Broadway, New York, N.Y. 10018. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144171 (Sub-No. 1TA), filed January 20, 1978. Applicant: HUBERT BYNUM, d.b.a. BYNUM TRUCKING, P.O. Box 465, South Fulton, Tenn. 42041. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron and sand*, in bulk, in dump trailers, from Birmingham, Ala., to South Fulton, Tenn., and (2) *coke*, in bulk, in dump trailers, from St. Louis, Mo., to South Fulton, Tenn., under a continuing contract or contracts with Automated Castings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Automated Castings, Inc., 135 Forestdale Avenue, South Fulton, Tenn. 42041. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, Tenn. 38103.

No. MC 144207TA, filed January 20, 1978. Applicant: SOUTHWEST TRANSPORT, INC., Highway 8 East, P.O. Box 806, Mena, Ark. 71953. Applicant's representative: Troy R. Douglas, 15 Court Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies, and building materials*, except commodities in bulk, from the facilities of Arkansas Log Homes, Inc., at or near Mena, Ark., to points in Texas, Oklahoma, and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Log House, Inc.,

P.O. Box 959, Mena, Ark. 71953. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4192 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 294]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77534. By application filed February 3, 1978, PRAY FOR TRANSPORTATION, INC., Ellsworth Street, Dows, Iowa 50071, seeks temporary authority to transfer the operating rights of P. J. Quigley, an individual d.b.a. Quigley Trucking, Rural Route No. 2, Belmond, Iowa 50421, under section 210a(b). The transfer to Pray for Transportation, Inc., of the operating rights of P. J. Quigley, an individual, d.b.a. Quigley Trucking, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4183 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 293]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1978.

Applicant filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77533. By application filed February 8, 1978, 1819 Olympic Street East, P.O. Box 1651, Tacoma, Wash. 98402, seeks temporary authority to transfer the operating rights of DUDLEY BOAT & TRAILER TRANSPORTATION, INC., 13315 8th Street East, Sumner, Wash. 98390, under section 210a(b). The transfer to Dudley Trucking, Inc., of the operating rights of Dudley Boat & Trailer Transportation, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4184 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 11TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount the type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 80TA), filed January 3, 1978. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Boulevard, Preston, Md., 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat products, and meat by-products, dairy products, and commodities or articles distributed by meat packinghouses*, (except hides and commodities in bulk, in tank vehicles), as described in Sections A, B, and C of Appendix to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Smithfield, Va., to points in the States of Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Pennsylvania, and District of Columbia, for 180 days. Supporting

shipper(s): Trevor H. Tucker, director of distribution, Swift Processed Meats Co., A division of Swift & Co., 115 W. Jackson Boulevard, Chicago, Ill. 60604 and William H. Dodson, Jr., manager of distribution, ITT Gwaltney, Inc., P.O. Box 489, Smithfield, Va. 23430. Send Protests to: William H. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 2900 (Sub-No. 321TA), filed January 3, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408R, Jacksonville, Fla. 32209. Applicant's representative: John Carter, 2050 Kings Road, P.O. Box 2408R, Jacksonville, Fla. 32203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, wooden fencing, and wood products*, from Post Falls, Coeur d'Alene, St. Maries, Santa, Potlatch, Lewiston, Spalding, Kamiah, and Jaype, Ind. to Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, restricted to the transportation of shipments originating at Potlatch Corp. millsites at the named origins and destined to points in the named destination states, for 180 days. Supporting shipper(s): Potlatch Corp., Box 1016, Lewiston, Ind. 83501. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 30618 (Sub-No. 11TA), filed January 3, 1978. Applicant: HENRY V. RABOUIN, P.O. Box 204, Old Richmond Road, Pittsfield, Mass. 01201. Applicant's representative: Harris N. Aaronson, 57 Wendell Avenue, Pittsfield, Mass. 01201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Talc tailings*, in bulk, from each of the following points: West Windsor, Ludlow and Gassetts, all in Vermont, to any and all points within the following described areas: the entire state of New Jersey; S. E., Pennsylvania in the area south of Interstate Route 76 and East of Route 15; southern New York south of Interstate Route 84; and in Western Connecticut west of Interstate Route 91, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Windsor Minerals, Inc., P.O. Box 680, Windsor, Vt. 05089. Send protests to: J. D. Perry, Jr., Acting District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Room 338, Springfield, Mass. 01103.

No. MC 52729 (Sub-No. 25TA), filed January 6, 1978. Applicant: FTOROT

TRUCKING, INC., West Main Street, P.O. Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Dominic J. Ferraro, 124 S. Main Street, Nazareth, Pa. 18064. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizers*, for Lebanon Chemical Corp., from Baltimore, Md., and Wilmington, Del., to points in the States of Pennsylvania, New Jersey, and New York, for Lebanon Chemical Corp., from Allentown, Pa., to points in the States of Maryland, New Jersey, and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lebanon Chemical Corp., 19th & Lawrence Streets, P.O. Box 1378, Allentown, Pa. 18105. Send protests to: T. M. Espino, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 52917 (Sub-No. 65TA), (Correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creager, 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except bananas), in vehicles equipped with temperature control, between points in Frederick, Anne Arundel, Howard, Prince George's, Washington, and Baltimore Counties, Md.; Delaware; New Jersey; Baltimore, Md.; Washington, D.C.; New York, N.Y.; Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia on and east of U.S. Interstate Route 95; points in Stafford, Prince William and Fairfax Counties, Va. west of U.S. Interstate Route 95; and points in Pennsylvania east of the Susquehanna River, restricted against the transportation of canned goods, from Cheriton and Hopeton, Va., to points in New York, New Jersey, and Pennsylvania, and further restricted against the transportation of frozen foods, from points in New Jersey and Pennsylvania (except Philadelphia), to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201. The purpose of this republication is to complete the territorial description in this proceeding.

No. MC 99388 (Sub-No. 12TA), filed December 30, 1977. Applicant: ALL-TRANS EXPRESS U.S.A., INC., 925 Westchester Avenue, Suite 105, White Plains, N.Y. 10604. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, and commodities in bulk), which are at the time moving on bills of lading of Freight Forwarders operating pursuant to Part IV of the Interstate Commerce Act, (A) between Baltimore, Md.; Boston, Mass.; New Haven, Conn.; New York, N.Y.; and (B) between Baltimore, Md.; Boston, Mass.; Chicago, Ill.; Milwaukee, Wis.; New Haven, Conn.; New York, N.Y.; Philadelphia, Pa.; St. Louis, Mo.; and Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; and Los Angeles, Calif.; Oakland, Calif.; Phoenix, Ariz.; Portland, Oreg.; Salt Lake City, Utah; San Francisco, Calif.; and Seattle, Wash.; for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Application also includes authority to serve all points in terminal areas of points shown in A and B.

No. MC 102560 (Sub-No. 13TA), filed December 29, 1977. Applicant: FREILER TRUCK LINES, INC., P.O. Box 636, Amite, La. 70422. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, particleboard and wood paneling*, from plant-sites or facilities of Georgia Pacific Corp. located in Arkansas and Louisiana, to points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Colorado, and those points in Missouri located on and south of Interstate 70, and (2) *Materials, equipment, and supplies* used in the manufacture of the commodities in No. 1, from points in the destination states in No. 1 to the plantsites or facilities of Georgia Pacific Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia Pacific Corp., P.O. Box 520, Crossett, Ark. 71635. Send protests to: Ray C. Armstrong, Jr., District Super-

visor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, New Orleans, La. 70113.

No. MC 103993 (Sub-No. 919TA), filed January 3, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: James B. Buda, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and building, in sections, mounted on wheeled undercarriages, from the plantsite of Nobility Homes, Inc., at Reidsville, N.C., to points in Kentucky, Tennessee, West Virginia, Virginia, South Carolina and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nobility Homes, Inc., P.O. Box 878, Reidsville, N.C. 27320. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 104589 (Sub-No. 36TA), filed January 9, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: Richard S. Baugh (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet or rug cushions, cushioning or lining, sponge rubber or plastics* (Urethane-Polyurethane). From Columbus, Miss., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Ohio, New York, Pennsylvania, District of Columbia, and Virginia, under a continuing contract or contracts with General Felt Industries, Inc., for 180 days. Supporting shipper: General Felt Industries, Inc., Park 80 Plaza West—One Saddle Brook, N.J. 07662. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 106956 (Sub-No. 6TA), filed January 6, 1978. Applicant: SYLVES-TER TRUCKING CO., 2930 Gradwohl Road, Toledo, Ohio 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from the facilities of Kripke-Tuschman Industries, Inc., in Toledo, Ohio, to Flat Rock and Pontiac, Mich., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Lakes Carbon Corp.,

299 Park Avenue, New York, N.Y. 10017. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio. 43604.

No. MC 112963 (Sub-No. 72TA), filed December 29, 1977. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Maine 01866. Applicant's representative: Leonard E. Murphy, 764 Pinehurst Road, Pinehurst, Maine 01866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in specially designed dump vehicles, (1) from New York City and Yonkers, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New Jersey, and (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York and New Jersey, for 180 days. Supporting shipper(s): Northeastern Brokerage, Inc., 308 Boylston Street, Boston, Mass. 02116. Send protests to: Paul A. Roberts, District Supervisor, 150 Causeway Street, room 501, Boston, Mass. 02114.

No. MC 115162 (Sub-No. 403TA), filed January 7, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and accessories therewith*, from Stephens and Camden, Ark., to Texas, Louisiana, Mississippi, Oklahoma, Missouri, Tennessee, Kentucky, Illinois and Indiana, for 180 days. Supporting shipper(s): Elk Corp., Stephens, Ark. 71764. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116254 (Sub-No. 195TA), Filed January 7, 1978. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Randy C. Luffman, P.O. Box 339, Florence, Ala. 35630. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Liquified Petroleum Gas, (Flammable Gas)*, in bulk, in tank vehicles, from Hattiesburg, Miss., to Monsanto Co., plants and storage facilities located at/near Decatur, Sand Mountain and Anniston, Ala.; Ligonier, Ind.; Greenwood, S.C.; Columbia, Tenn.; and Nitro, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monsanto Co., 800 North Lindbergh Blvd., St.

Louis, Mo. 63166. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 117613 (Sub-No. 24TA), filed January 24, 1978. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Dr., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste oils*, from points in the state of Maryland, to Clayton, N.J., and its commercial zone, under a continuing contract or contracts with Wiseman Oil Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wiseman Oil Co., Inc., 524 Penn Avenue, Pittsburgh, Pa. 15222. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW, Room 1413, District Supervisor W.C. Hersman, Washington, D.C. 20423.

No. MC 117686 (Sub-No. 201TA), filed January 5, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Robert A. Wichser (same address as applicant). Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Cloth and materials and supplies* used in the manufacture, sale and distribution of goods produced from cloth, in mixed loads with cloth, from Osceola, Ark.; Eufula, Ala.; Augusta, Lindale, and Trion, Ga.; Lawrenceburg, Ky.; Erwin, Greensboro, Haw River, Mount Holly, Salisbury, and Yadkin, N.C.; Graniteville, Tenn.; and Brenham and New Braunfels, Tex.; to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, for 180 days. Supporting shipper(s): Aalfs Manufacturing Co., John W. Aalfs President, 1005 East 4th Street, Box 3038, Sioux City, Iowa. 51102. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 178TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, from Greenville, Miss., to Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and

Texas, and from Kansas City, Kans., to points in Georgia, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Strongheart Products, Inc., 300 South 55th Street, Kansas City, Kans. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119493 (Sub-No. 179TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and processed grain products* (except in bulk), from Hutchinson, Kans., to points in Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Virginia, and Wisconsin, for 180 days. Supporting shipper: Far-Mar-Co., Inc., 960 North Halstead, Hutchinson, Kans. 67501. Send protest to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133133 (Sub-No. 18TA), filed January 6, 1978. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plants of Agric Chemical Co. at or near Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Agric Chemical Co., J. J. Stefanec, Director, Transportation Legislation and Research, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 138882 (Sub-No. 34TA), filed January 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff not frozen in containers*, from the facilities of Doxsee Foods, Inc., located at or near Brundidge, Ala., to points in Louisiana, Arkansas, Texas, Mississippi, and Memphis,

Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doxsee Foods, Inc., Banks Highway, Brundidge, Ala. 36010. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 3TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Cogle Sawmill (owned by American Can Co.), located at or near Thomasville, Ala., to points in Georgia, Kentucky, Louisiana, Florida, South Carolina, North Carolina, Mississippi, Tennessee, and Mobile and Baldwin Counties, Ala., for 180 days. Supporting shipper: Cogle Sawmill, Thomasville, Ala. 36784. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 4TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Sanders Lumber Products Co., at or near Meridian, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, and Tennessee, for 180 days. Supporting shipper: Sanders Lumber Products Co., Meridian, Miss. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 5TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pickens and Sumter Counties, Ala., to points in Kentucky, North Carolina, South Carolina, Illinois, and points in Louisiana (except St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, and St. Bernard Parishes), for 180 days. Support-

ing shipper(s): A. T. N. Lumber Service, P.O. Box 536, York, Ala. 36925, American Can Co., Bellamy, Ala. 36901, Reform Lumber Processors, Inc., P.O. Box 428, Reform, Ala. 35481. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142715 (Sub-No. 9TA), filed January 11, 1978. Applicant: LENTERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsites of George A. Hormel & Co. at Austin, Minn., Fort Dodge, Iowa, Fremont and Scottsbluff, Nebr., to points in New York, New Jersey, Pennsylvania, Massachusetts, New Hampshire, and Connecticut, restricted to product originating at the named origins and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 142766 (Sub-No. 8TA), filed January 12, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07302. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions between points in New Jersey, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: There are approximately (13) statements of support attached to the application which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, room 618, Newark, N.J. 07102.

No. MC 142897 (Sub-No. 4TA), filed January 9, 1978. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery Co. L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts*, from the plantsite of Questor Corp. at Pinola, Ind., Toledo, Ohio, and Grand Haven, Mich., to points in that part of the United States in and west of Arkansas, Iowa, Louisiana, Missouri, and Minnesota (except Alaska and Hawaii), under a continuing contract or contracts with Questor Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43691. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 142941 (Sub-No. 12TA), filed January 10, 1978. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Phil B. Hammond/Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, except in bulk, from the warehouse and distribution facilities of National Distillers Products Co., a Division of National Distillers and Chemical Corp., located at Cincinnati, Ohio, and Frankfort and Louisville, Ky., to Flagstaff, Phoenix, Tucson, and Yuma, Ariz., for 180 days. Supporting shipper: Fred Nackard Wholesale Liquor Co., 13 East Cottage, Flagstaff, Ariz. 86002, National Distillers Products Co., 11750 Chesterdale Road, Cincinnati, Ohio 45246. Send protests to: Andres V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 144088 (Sub-No. 1TA), filed January 3, 1978. Applicant: RANDAL LAWSON, d.b.a. RANDY'S ENTERPRISES, Route 4, Barboursville, Ky. 40906. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from mines and facilities of Champion International Corp. and its subsidiaries located in Harlan, Bell, Whitley, and Knox Counties, Ky., and Claiborne, Campbell, and Scott Counties, Tenn., to points in Haywood and Cleveland Counties, N.C., restricted to the transportation of shipments, under a continuing contract, or contracts, with Champion International Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Klaus Permer Traffic Manager—Pricing, Champion Interna-

tional Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 P.O. Building, Louisville, Ky. 40202.

No. MC 144135TA, filed December 30, 1977. Applicant: L & V TRUCKING, INC., 32650 Almaden Boulevard, Union City, Calif. 94587. Applicant's representative: Michael C. Leiden, P.O. Box 8594, Emeryville, Calif. 94662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, crude, gypsum wall plaster*, from Newark, Calif., to Reno, Sparks, Carson City, South Lake Tahoe, North Lake Tahoe and Las Vegas, Nev., and from Las Vegas, Nev., to Newark, Calif., under a continuing contract, or contracts, with Quad C Corp., Zonolite Construction, Anning-Johnson Co., for 180 days. Supporting shipper(s): (1) Quad C Corp., 868 Folsom Street, San Francisco, Calif. 94107. (2) Zonolite Construction, Products Division, W. R. Grace & Co., 6851 Smith Avenue, Newark, Calif. 94560 and (3) Anning-Johnson Co., 1728 Gilreth Road, Burlingame, Calif. 94010. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, Calif. 94105.

No. MC 144161TA, filed January 6, 1978. Applicant: ROBERT STEEN, d.b.a. STEEN'S FEEDS, East Elkhorn, Belle Fourche, S. Dak. 57717. Applicant's representative: Mark Menard, 5301 North Cliff, P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the plantsites of Homestake Forest Products Co., Spearfish, S. Dak., to Colorado, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, and Wyoming, under a continuing contract, or contracts, with Homestake Forest Products Co., for 180 days. Supporting shipper(s): Homestake Forest Products Co., P.O. Box 472, Spearfish, S. Dak. 57783. Steward Reed, Sales Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 144178TA, filed January 10, 1978. Applicant: CIRCLE CARTAGE CORP., 70 Sherman Avenue, Jersey City, N.J. 07307. Applicant's representative: George Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from Piscataway, N.J., to points in Ohio, Illinois, Indi-

ana, Minnesota, Wisconsin, Pennsylvania, Michigan, Kentucky, New York, Maryland, Delaware, and Washington, D.C., restricted to shipments under continuing contract or contracts with Paramount Industries, Inc., Piscataway, N.J., for 180 days. Applicant has also filed an undelying ETA seeking up to 90 days of operating authority. Supporting shipper: Paramount Industries, Inc., 1711 South Second Street, Piscataway, N.J. 08854. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4186 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 12TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19778 (Sub-No. 101TA), filed December 28, 1977. Applicant: MILWAUKEE MOTOR TRANSPORTATION CO., 516 W. Jackson Blvd., Suite 508, Chicago, Ill. 60606. Applicant's representative: W. E. Gallagher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines and parts*, from Louisville, Ky. to Cynthia, Ky., restricted to transportation of shipments having a prior movement by rail. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Minnesota Mining and Manufacturing Co., Frank M. Wilcox, Transportation Logistics and Regulations Manager, 3 M Center, St. Paul, Minn. 55101. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 52460 (Sub-No. 202TA), filed January 12, 1978. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, Okla. 74107. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from the facilities of International Paper Co., Inc., at or near Pine Bluff, Ark., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Co., P.O. Box 16807, Mobile, Ala. 36616. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 52574 (Sub-No. 54TA), filed January 12, 1978. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Boews, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, (a) from Frederick, Md., to points in Erie and Monroe Counties, N.Y.; Burlington and Atlantic Counties, N.J.; Alleghany, Bedford, Blair, Lawrence, Mifflin, Somerset and Westmoreland Counties, Pa., and points on and east of U.S. Highway 15 in Pennsylvania; Kent County, Del.,

Franklin, Mahoning, and Start Counties, Ohio, and points on, west and north of U.S. Highway 62 in Ohio, Fairfax, Henrico and Princess Anne Counties, Va., and the District of Columbia. (b) Between Frederick, Md., and Totowa, N.J.; (2) *pan grease*, from Carnegie, Pa., to Frederick, Md. Restriction: Service restricted to transportation under contract with S. B. Thomas, Inc., for 180 days. Supporting shipper: S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 106674 (Sub-No. 277TA), filed January 11, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets* (except in bulk), from Evansville, Ind., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture, distribution and sale of plastic resins and plastic sheets, from points in the above-named destination states to Evansville, Ind. Restricted to the transportation of traffic originating at or destined to Evansville, Ind., for 180 days. Supporting shipper: General Electric, Lexan Lane, Mount Vernon, Ind. 47620. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 110988 (Sub-No. 357TA), filed December 19, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, Wis. 54911. Applicant's representative: Paul Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Georgia, Massachusetts, and Virginia, for 180 days. Supporting shipper(s): Borden Chemical, Division Borden, Inc., 180 East Broad Street, Columbus, Ohio (Richard L. Roundhouse). Send protests to: Gail Daugherty, Transporta-

tion Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 114625 (Sub-No. 26TA), filed January 10, 1978. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Old Mill Road, Binghamton, N.Y. 13902. Applicant's representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fireplace screens and accessories, plastic sheets, rolls and bags, metal valves, pipe fittings, indicator posts, hydrants, catalogues, hardware, wire shelving, wire baskets, books, pulpboard, wood pulp products, steel rods and coils, textile webbing and netting, and materials, supplies and equipment* used in the manufacture thereof, and (B) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) Between Elmira, N.Y., and Pittsburgh, Pa., serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.; (a) From Elmira over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa.; thence over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, and return over the same route. (b) From Elmira over N.Y. Highway 14 to junction N.Y. Highway 17, thence over N.Y. Highway 17 to junction U.S. Highway 15, and thence over the same routes specified in (a) above to Pittsburgh, and return over the same route. (c) From Elmira over N.Y. Highway 17E or N.Y. Highway 352 to junction N.Y. Highway 17, thence over N.Y. Highway 17 to junction U.S. Highway 15, and thence over the same routes specified in (a) above to Pittsburgh, and return over the same route. (2) Between junction U.S. Highway 22 and 219 and the junction of Pennsylvania Highway 56 and junction U.S. Highway 22, serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.; From junction U.S. Highway 22 and 219 over U.S. Highway 219 to junction Pennsylvania Highway 56 near Johnstown, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22 at or near Armagh, Pa., and return over the same route. (3) Between Binghamton, N.Y.

and Pittsburgh, Pa., serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.: From Binghamton, N.Y. over N.Y. Highway 17 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Pennsylvania Highway 414, thence over Pennsylvania Highway 414 to junction Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to junction U.S. Highway 15, thence over the same routes specified in (a) above to Pittsburgh, and return over the same route. Restriction: The operations sought in A and B above are to be restricted against the transportation of interline traffic which has both its interchange point and its origin or destination point within Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Northumberland, Somerset, Washington and Westmoreland Counties, Pa. with the further restriction that the operations sought in B above are to be for interline service only, for 180 days. Supporting shippers: There are approximately (10) statements of support attached to the application which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, N.Y. 13260.

No. MC 111729 (Sub-No. 725TA), filed January 11, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*. (2) *Office supplies*, between Houston, Tex., on the one hand and, on the other, Brandon, Brookhaven, Columbia, Crystal Springs, Forest, Hazlehurst, Jackson, Laurel, Lumberton, Marks, McComb, Newton, Oxford, Petal, Philadelphia, Ruleville, and Sardis, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Entex, P.O. Box 2628, Houston, Tex. 77001. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 254TA), filed January 12, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, Minn. 55359. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk tank vehicles) as described in appendix I, Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and storage facilities of Royal Packing Co. at or near National Stockyards, Ill., and St. Louis, Mo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. Restricted to traffic originating at named facilities and destined to named destinations, for 180 days. Supporting shipper: Royal Packing Co., St. Clair Avenue and Ice Plant Road, National Stockyards, Ill. 62071. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 241TA), filed January 9, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Suspended carcass beef* from National City Stockyards at East St. Louis, Ill., to points in Connecticut, Maryland, Massachusetts, Pennsylvania, New Jersey, New York, Washington, D.C., New Hampshire, Rhode Island, Maine, and Vermont. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Royal Packing Co., St. Clair Avenue and Ice Plant Road, National Stockyards, Ill. 62071. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 119226 (Sub-No. 101TA), filed December 27, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in hopper vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Missouri, Michigan, New Jersey, Minnesota, Wisconsin, Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Industrial Chemicals Co., 99 Park Avenue, New York, N.Y.

10016. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119493 (Sub-No. 180TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal and poultry feed and ingredients*, from Springfield, Tenn., to Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Michigan, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (2) *ingredients*, from destination States named to Springfield, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wells Division/National Pet Food Corp., 617 South D Street, Monmouth, Ill. 61462. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123255 (Sub-No. 130TA), filed January 12, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and container ends, and materials, and supplies* used in the manufacture and distribution of containers and container ends, between the facilities of Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, Wis., Memphis, Tenn.; Longview, Tex.; Tampa, Fla.; Syracuse, Raddison, and Fairport, N.Y.; Winston Salem, N.C.; and Chatsworth and Van Nuys, Calif. Restricted to shipments originating at or destined to the facilities of the Jos. Schlitz Brewing Co., for 180 days. Supporting shipper: Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124896 (Sub-No. 44TA), filed January 13, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park

Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by John Morrell & Co., at or near Estherville, Iowa, and Sioux Falls, S. Dak., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the named origins and destined to the named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124939 (Sub-No. 16TA), filed December 27, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound Street, rear, P.O. Box 23394, Columbus, Ohio 43224. Applicant's representative: Michael Spurlock, Esq., Paul E. Beery Co., L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in packages, from the facilities of Cardinal Beverage Co. at or near Elizabethtown, Ky., and from the facilities of Interstate Canning Co. at or near Louisville, Ky., to the facilities of the Kroger Co., located at or near Cincinnati, Ohio, under a continuing contract, or contracts, with the Kroger Co. for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati 45202. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124947 (Sub-No. 93TA), filed January 11, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight re-

quire special equipment, except agricultural machinery and implements, agricultural tractors, and commodities in bulk, between South Beloit, Marion, East Peoria, Atkinson, Quincy, Moline, Silvis, Troy, and Zion, Ill., and Kansas City, Kans., on the one hand, and, on the other, points in Iowa and that part of Nebraska on and east of U.S. Highway 81. Applicant seeks to join any authority granted as a result of this application with its presently held authority so as to provide a through service. There are approximately six shipper statements attached to the application. Send protests to Mr. William J. Green, District Supervisor, Interstate Commerce Commission, 240 Old Courthouse, 215 Northwest 3rd Street, Oklahoma City, Okla. 73102.

No. MC 133566 (Sub-No. 100TA), filed January 13, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinbauer, One World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: 1. *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and 2. *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa, to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 133870 (Sub-No. 4TA), filed December 28, 1977. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B, Brownsville, Wis. 53006. Applicant's representative: Richard C. Alexander,

710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Bagged cellulose insulation and equipment used in the installation of insulation*, from Lomira and Spencer, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and points in Jefferson, St. Charles, and St. Louis Counties, Mo.; and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of insulation, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and points in Jefferson, St. Charles, and St. Louis Counties, Mo.; and (3) *chemicals*, in bags, from the ports of New York, N.Y.; Newark, N.J.; Boston, Mass.; and Sault Ste. Marie, Mich., to Lomira and Spencer, Wis., under continuing contract with Champion Insulation, Inc., and Modern Insulation, Inc. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Champion Insulation, Inc., 301 Pleasant Hill Avenue, Lomira, Wis., 53048 (Gerald W. Bauer); Modern Insulation, Inc., P.O. Box 157, Spencer, Wis. 54479 (Gerald W. Bauer). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 134286 (Sub-No. 40TA), filed December 28, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in section A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa, to points in Con-

necticut, Maine, Maryland, Massachusetts, new Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant has also filed an underlying ETA seeking up to 190 days operating authority. Supporting shipper: Curt Y. Hopkins, Transportation Manager, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134970 (Sub-No. 17TA), filed December 28, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Route 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Merchandise as is dealt in by wholesale grocery and food business houses and in conjunction therewith equipment, materials and supplies used in the conduct of such business* (except commodities in bulk and foodstuffs), from the facilities of Consolidated Sales Corp., at or near Indianapolis, Ind., to the facilities of Jewel Food Stores, Division of Jewel Companies, Inc. at or near Franklin Park, Ill. Restriction: Restricted to traffic originating at the named origin and destined to the named destination. Supporting shipper: Jewel Food Stores, Kenneth C. Dunbar, manager-traffic operations, 1955 West North Avenue, Melrose Park, Ill. 60160. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 135284 (Sub-No. 7TA), filed January 12, 1978. Applicant: FLEETWOOD TRANSPORTATION CORP., 1031 Reeves Street, P.O. Box 155, Dunmore, Pa. 15512. Applicant's representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, in vehicles equipped with temperature-control devices, between the facilities of The Nestle's Company, Inc., located in Franklin County, Ohio, on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania state boundary line, thence over U.S. Highway 15 to junction U.S. Highway 522, thence over U.S. Highway 522 to the Pennsylvania-Maryland state boundary line, under a continuing contract or contracts with The Nestle's Company, Inc., for 180 days. Supporting shipper: The Nestle's Company,

Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138469 (Sub-No. 51TA), filed December 8, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Tiuhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics and pharmaceutical, nutritional, veterinary and industrial products in soft elastic gelatin capsules, in vehicles equipped with mechanical refrigeration*, from the facilities of Hanceville, Ala.; Phoenix and Scottsdale, Ariz.; Broomfield, Denver, and Englewood, Colo.; Atlanta, Austell, and Cumming, Ga.; Elwood, Great Bend, and Shawnee Mission, Kans.; Baton Rouge, and New Orleans, La.; Picayune, Miss.; Hazelwood, Kansas City, St. Joseph, St. Louis, and Springfield, Mo.; Shawnee, Tecumseh, and Tulsa, Okla.; Kingsport, and Memphis, Tenn.; Greenville, and Taylors, S.C.; Salt Lake City, Utah; points in the commercial zones of the above named cities and points in the States of California, Florida, and Texas and (2) *materials used in the manufacture of* (1) above, in mechanically refrigerated vehicles, from Gibson City, Ill.; Woburn, Mass.; Detroit, Mich.; St. Louis, Mo.; Clifton, and Nutley, N.J.; New York City and Rochester, N.Y.; and Oak Creek, Wis., and points in the commercial zones of the names origins to Monroe, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. P. Scherer Corp., 4425 Grinnell Ave., Detroit, Mich. 48213. Send protests to: Joe Green, District, Room 240, Old Post Office & Court House, 215 Northwest 3rd, Oklahoma, Okla. 73102.

No. MC 138635 (Sub-No. 44TA), filed December 5, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, N.C. 28052. Applicant's representative: Eric Meirhoefer, Suite 712, 1411 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of Shipper Associations, from points in California to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South

Carolina, Virginia, and Tennessee. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shippers: Manufacturers Shipping Association, Inc., 4430 East Sheila Street, Los Angeles, Calif. 90023. Piggyback Shipping, Inc., 825 Colorado Blvd., Los Angeles, Calif. 90041. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Rd., Room CC516, Mart Office Building, Charlotte, N.C. 28205

No. MC 140078 (Sub-No. 2TA), filed December 8, 1977. Applicant: JAMES F. STRASSER, HOWARD B. CONKLEY, ALLEN L. MOORE AND MARK Q. MOORE, d.b.a. Travelers Limousine Service, 2222 Iowa Street, Lawrence, Kansas. 66044. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kansas. 66044. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: *Packages, weighing 100 pounds or less, having a prior or subsequent movement by air*, between Lawrence, Kans., and a ten (10) mile radius thereof, and the Kansas City International Airport, Kansas City, Mo., serving the intermediate point of Kansas City Municipal Airport, Kansas City, Mo.; from Lawrence over U.S. Highways 24-40 to junction Kansas Highway 32, thence over Kansas Highway 32 to Turnpike extension, thence over Interstate Highway 70 to Kansas City, Mo., thence over Broadway Street in Kansas City, Mo., to junction Interstate Highway 29, and thence over Interstate Highway 29 to Kansas City International Airport, and return over the same route. Between Lawrence, Kan., and a ten (10) mile radius thereof, and Kansas City International Airport, Kansas City, Mo., serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations: From Lawrence over Kansas Turnpike to Kansas City Mo., thence over Broadway Street in Kansas City, Mo., to junction Interstate Highway 29, thence over Interstate Highway 29 to Kansas City International Airport, and return over the same route for 180 days. Applicant has also filed an underlying ETRA seeking up to 90 days of operating authority. Supporting shippers: McCollum Lab-University of Kans., 21st & Iowa, Lawrence, Kans. 66044. Cutler Repaving, Inc., 2721 Haskell, Lawrence, Kans. 66044. Aeroquip Corp., Gustin Bacon Div., 2901 Lakeview Rd., Lawrence, Kans. 66044. Kansas Color Press, Inc., 2201 Haskell, Lawrence, Kans. 66044. Packer Plastics, 2330 Packer Rd., Lawrence, Kans. 66044. TRW Crescent, Route 1, Lawrence, Kans. 66044. Send protest to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. & U.S.

Courthouse, 444 S.E. Quiney, Topeka, Kans. 66683.

No. MC 141804 (Sub-No. 94TA), filed January 10, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except meats, meat products, and meat by-products; fresh, frozen or preserved dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C, of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766; fresh or frozen foodstuffs; commodities in bulk; those requiring specialized equipment for their loading, unloading, or transportation and except explosives), restricted to those commodities which are at the time moving under the provisions of bills of lading of Westransco Freight Co., a freight forwarder under Part IV of the Interstate Commerce Act. From: Edison, N.J.; to Phoenix, Ariz., and their commercial zones, for 180 days. Supporting shipper: Westransco Freight Co., Los Angeles, Calif. 90054. Send protests to: District Supervisor, Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142189 (Sub-No. 25TA), filed January 13, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, Mont. 59313. Applicant's representative: Michael R. Griffith, P.O. Box 980, Baker, Mont. 59313. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural equipment, materials and supplies and sanitation equipment, materials and supplies*, between Jefferson, Iowa, and Silver Lake, Ind., on the one hand, and, on the other, points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii), and ports of entry on the International Boundary line between the United States and Canada in the states of North Dakota, Montana, Idaho, and Washington on traffic moving in foreign commerce, for 180 days. Supporting shippers: Jack L. Petersen, materials managers, Ideal Livestock Equipment, Box 458, Jefferson, Iowa 50129. James M. Grace, plant manager, Parker Industries, Inc., State Rd. No. 30, Jefferson, Iowa 50129. Robert C. Mong, president, Parker Industries, Inc., State Road 15 North, Silver Lake, Ind. 46932. Send protests to: District Supervisor, Paul J. Labane,

Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143357 (Sub-No. 3TA), filed November 25, 1977. Applicant: STANLEY W. BYBEE, d.b.a. WESTERN APPLICATORS, P.O. Box 2361, Nyssa, Oreg. 97913. Applicant's representative: Steven James Pierce, 14 South Second Street, Nyssa, Oreg. 97913. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, supplements and additives*, (2) *Salt in block, bag, or bulk, feed supplements and additives*, and (3) *cotton seed meal*. From Pocatello, Idaho to points in Oregon; and (2) from points in Utah to points in Oregon, Idaho, Wyoming, and Montana, and (3) from points in California to Nyssa, Oreg., and its commercial zone for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Feed and Seed Co., 117 Good Ave., Nyssa, Oreg. 97913 and Southwest Hide Co., Box 7496, Boise, Idaho 83707. Send protests to: Interstate Commerce Commission, Barney L. Hardin, District Supervisor, Suite 110, 1461 Shoreline Dr., Boise, Idaho 83706.

No. MC 144061TA, filed December 1, 1977. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, N.J. 07481. Applicant's representative: Piken & Piken, Esquires, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; liquid pollution control combustion catalyst additives; and pollution control feeding equipment*. (1) Between the facilities of Apollo Chemical Corp. located at or near Whippany, N.J. on the one hand, and on the other, points in the United States except Alaska and Hawaii. (2) Between the facilities of Apollo Chemical Corp., located at or near Marshall, Tex., on the one hand, and on the other, points in the States of Arizona, California, Oregon, Washington, Nevada, Idaho, New Mexico, Montana, Oklahoma, Utah, Missouri, Illinois, Nebraska, Louisiana, and Florida. Raw materials used in the manufacture of powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; and liquid pollution control combustion catalyst additives. From points in the United States except Alaska and Hawaii, to the facilities of Apollo Chemical Corp., located at or near Whippany, N.J. and Marshall, Tex. for 180 days. Restriction: The above restricted to service under contract or continuing contracts

with Apollo Chemical Corp. of Whippany, N.J. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Apollo Chemical Corp., 35 South Jefferson Rd., Whippany, N.J. 07981. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144079TA, filed December 6, 1977. Applicant: LAS VEGAS TOWING CORP., 209 Upland Blvd., Las Vegas, Nev. 89107. Applicant's representative: Dick Currier, 209 Upland Blvd., Las Vegas, Nev. 89107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, recovered, or impounded automobiles and lightweight trucks and mobile homes, not exceeding two axles, and T Trailers designed to be towed by automobiles or light trucks; By Wrecker Equipment Only*. From (1) points in Inyo County, Calif., South and East of Death Valley, including Death Valley. (2) points in San Bernardino County, Calif., on and East of U.S. Highway 395. (3) Points in Riverside County, Calif., on and North of Interstate Hwy I-10. (4) From points in Mojave County, Ariz. (5) from points in Beaver, Iron, and Washington Counties, Utah. To: Las Vegas, Nev.; also replacement vehicles from Las Vegas, Nev., to all above listed points of origin for 180 days. Supporting shipper: (1) Insured Towing, 3336 W. Bonanza, Las Vegas, Nev. 89106 (2) Las Vegas Dodge, 3470 Boulder Hwy., Las Vegas, Nev. 89121 (3) Toyota West, 2025 S. Decatur, Las Vegas, Nev. 89102 (4) Avis Rent-A-Car, McCarren Airport, Las Vegas, Nev. 89111 (5) Flecher Jones Chevrolet, 44 S. Decatur, Las Vegas, Nev. 89107 (6) Desert Chrysler Plymouth, 3115 E. Fremont, Las Vegas, Nev. 89105 (7) Gaudin Ford Co., 1120 Las Vegas Blvd., S. Las Vegas, Nev. 89104 (8) National Car Rental, McCarren Airport, Las Vegas, Nev. 89111 (9) Hertz Corp., McCarren Airport, Las Vegas, Nev. 89111. Send protests to: District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza Street, Carson City, Nev. 89701.

No. MC 144174TA, filed January 10, 1978. Applicant: K T LINES, INC., 125 South Main, Buhler, Kans. 67522. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: (1)(a) *Flour baking mix, corn meal and wheat milling byproducts* (except in bulk), from the facilities of Buhler Mills, Inc., at Buhler and Inman, Kans.; and Memphis and Nashville, Tenn., to points in Alabama, Arkansas,

Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, North Carolina, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia and West Virginia under a continuing contract or contracts with Buhler Mills, Inc.; (b) *materials and supplies used in the production of (1)(a) above* (except in bulk), from points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Mississippi, Missouri, Michigan, Nebraska, Ohio and Tennessee to the facilities of Buhler Mills, Inc., at Buhler and Inman, Kans., and Memphis and Nashville, Tenn., under a continuing contract or contracts with Buhler Mills, Inc.

NOTE.—The purpose of this portion of the application is to allow K T Lines, Inc., the wholly-owned subsidiary of Buhler Mills, Inc., to replace the present private carriage operated by Buhler Mills, Inc.

(2) *Materials and supplies used in the manufacture of textile bags* (except in bulk), from points in South Carolina, Georgia, Alabama, Tennessee, Louisiana and Texas, to the facilities of Hutchinson Bag Corp. at Hutchinson, Kans., under a continuing contract or contracts with Hutchinson Bag Corp. (3) *Calcium carbonate* (except in bulk), from Sylacauga, Ala., to points in Iowa, Illinois, Kansas, Missouri, Nebraska, Oklahoma and points in Texas on and north of Interstate Highway 10 and on and east of U.S. Highway 81, under a continuing contract or contracts with J. P. Bailey, Inc., of Whitewater, Kans. (4) *Crushed decorative stone* (except in bulk), from Sylacauga, Ala.; and Tate, White Stone and Rockmart, Ga., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska and Oklahoma under a continuing contract or contracts with Crown Stone Co. of Kansas City, Mo. (5)(a) *Empty cans and canning materials and supplies*, from Elwood, Ind.; Cincinnati, Ohio; and Atlanta, Ga., to the facilities of Southern Style Foods, Inc., at Nashville, Tenn., under a continuing contract or contracts with Southern Style Foods, Inc., of Nashville, Tenn.; (b) *canned foodstuffs*, from the facilities of Southern Style Foods, Inc., at Nashville, Tenn., to Washington, D.C.; Clarksburg, Va.; Lexington and Louisville, Ky.; and Sikeston, Mo., under a continuing contract or contracts with Southern Style Foods, Inc., of Nashville, Tenn., for 180 days. Supporting shippers: Hutchinson Bag Corp., 215 South Poplar, Hutchinson, Kans. 67501. Buhler Mills, Inc., 1835 Union, Memphis, Tenn. 38104. Crown Stone Co., 817 Santa Fe, Kansas City, Mo. 64101. J. P. Bailey, Inc., P.O. Box 180, Whitewater, Kans. 67154. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 144175TA, filed January 10, 1978. Applicant: BEAUVAIS LTEE, 27 St. Louis Street, Lemoyne City, Chamblay County, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. Jacques St. West, 9th Floor, Montreal, Quebec, Canada, H2Y 1M1. Temporary authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *pork rinds* in refrigerated units, excluding transportation in bulk or in tank units from the ports of entry on the United States-Canada boundary line located at or near Trout River and Champlain, N.Y. and Highgate Spring and Derbyline, Vt. to Boston, Mass., Easton, Pa.; and Lima, Ohio. Restricted to traffic originating at Metro Montreal and St. George de Beauce for the account of Dean Watson, d.b.a. Double G. Co., for 180 days. Supporting shipper: Double G. Co., 5555 St. Patrick Street, Montreal, Quebec, Canada (Dean Watson-owner). Send protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4185 Filed 2-14-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 49 under revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Co. is unable to transport traffic currently over its line between Trimont, Minn., and Estherville, Iowa, because of heavy snow.

It is ordered, That: (a) *Rerouting traffic.* The Chicago and North Western Transportation Co. being unable to transport traffic currently over its line between Trimont, Minn., and Estherville, Iowa, because of heavy snow, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date:* This order shall become effective at 10:30 a.m., January 31, 1978.

(g) *Expiration date:* This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 31, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4178 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 47 under revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 47 (Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 47 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at

11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4179 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 43 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 43 (Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 43 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4180 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 46 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 46 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 46 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p.m., February 10, 1978,

unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4181 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 48 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 48 (The Chesapeake and Ohio Railway Co. and The Baltimore and Ohio Railway Co., comprising the Chessie System) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 48 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION
JOEL E. BURNS,
Agent.

[FR Doc. 78-4182 Filed 2-14-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity

for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission by February 27, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-30-77 (Special certificate—waste products), filed November 18, 1977. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, N.Y. 13601. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce as a *common carrier*, over irregular routes, transporting: *Waste products*, including waste paper, newspapers and magazines, used cartons, pressed box waste, shredded waste, scrap containers, used aluminum cans, discarded aluminum utensils for reuse or recycling, between points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, in furtherance of a recognized pollution control program sponsored by Empire Recycling Corp. of Utica, N.Y., for the purpose of transporting waste paper and nonferrous metals, and used aluminum containers and utensils.

P-31-77 (Special certificate—waste products), filed November 22, 1977. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 130, Old Dean Forest Road, Savannah, Ga. 31402. Applicant's representative: W. W. Palmer, Jr. (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products*, for recycling or reuse, between points in the United States including Alaska and Hawaii, in furtherance of a recognized pollution control program sponsored by Union Camp Corp. of Savannah, Ga., for the purpose of recycling waste paper.

P-32-77 (Special certificate—waste products), filed December 19, 1977. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango Street SW., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper and recyclable paper*, for recycling or reuse, from points in Idaho and Washington, to the plantsite facilities of Western Kraft Corp. at Albany, Oreg., in furtherance of a recognized pollution control program of western Kraft Corp. of Albany, Oreg., for the purpose of transporting material for reuse or recycling.

P-33-77 (Special certificate—waste products), filed December 27, 1977. Applicant: TRANS-TECH, INC., 516 Cerre, St. Louis, Mo. 63102. Applicant's representative: Robert Nieheiser (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper and cardboard for recycling and reuse*, between points in Illinois, Indiana, Iowa, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Nebraska, Missouri, Wisconsin, and Michigan, in furtherance of a recognized pollution control program sponsored by: (1) Alton Box Board Co. of Alton, Ill., for the purpose of transporting are recycling waste paper and cardboard; and (2) Fibron Corp., St. Louis Division, of St. Louis, Mo., for the purpose of transporting are recycling waste paper.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4189 Filed 2-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-2 (Sub-No. 16)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between McKinnon and Big Sandy, Houston and Benton Counties, Tenn.;
Correction

FEBRUARY 10, 1978.

In the above captioned proceeding published at 43 FR 2971 on January 20, 1978, should be disregarded. This document was prematurely published, as an Appeal to Division 3's certificate

and order served January 13, 1978, was timely filed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4188 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 10TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provided that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41849 (Sub-No. 39TA), filed January 23, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sea coal*, from St. Louis, Mo., to Camden, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M. A.

Bell Co., 217 Lombard, St. Louis, Mo. 63102. Send protests to: Peter E. Binder, Acting District Supervisor, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 48958 (Sub-No. 147TA) (correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Denver, Colo., and Cheyenne, Wyo., serving the intermediate point of Fort Collins, Colo. (and its commercial zone) only: From Denver, Colo., over U.S. Highway 287 to Fort Collins, Colo., thence over Colorado State Highway 14 to junction Interstate Highway 25, thence over Interstate Highway 25 to Cheyenne, Wyo., and return over the same route. (2) Between Greeley, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Greeley, Colo., over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Colorado State Highway 68, thence over Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route. (3) Between Greeley, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Greeley, Colo., over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colorado State Highway 14), thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route. (4) Between Eaton, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Eaton, Colo., over Weld County Road 74 and Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route. (5) Between Eaton, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Eaton, Colo., over Weld County Road 75 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colo-

rado State Highway 14), thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route. (6) Between Ault, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Ault, Colo., over Colorado State Highway 14 to Fort Collins, Colo., and return over the same route. (7) Between Denver, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Colorado State Highway 68, Prospect Road or Colorado State Highway 14, thence over Colorado State Highway 68, Prospect Road or Colorado State Highway 14 to Fort Collins, and return over the same route for 180 days. Applicant also requests authority to tack. Supporting shippers: There are approximately (56) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, Denver, Colo. 80202. The purpose of this republication is to (1) indicate regular routes, in lieu of irregular routes, which was published in error before; and (2) to show that applicant requests tacking.

No. MC 61396 (Sub-No. 342TA), filed January 23, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 129, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Optic, Nebr., to points in Kansas and Colorado, for 180 days. Supporting shipper(s): Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 107295 (Sub-No. 72TA), filed January 11, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Burns Harbor, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Wisconsin.

sin, for 180 days. Supporting shipper(s): J. A. Caires, Vice President, Allied International, Inc., P.O. Box 56, Charlestown, Mass. 02129. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 114725 (Sub-No. 81TA), filed January 19, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald F. Swerczek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Optic, Nebr., to Kansas and Colorado, for 180 days. Supporting shipper: Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 123048 (Sub-No. 385TA), filed January 20, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from Fargo, N. Dak., to Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. Restricted to shipments having a prior movement by rail or truck, from Manitoba Forestry Resources, Ltd., located in Manitoba, Canada, for 180 days. Supporting shipper(s): Manitoba Forestry Resources, Ltd., 902-213 Notre Dame Avenue, Winnipeg, Manitoba, Canada R3B 1N3 (Herbert A. Schon). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 773TA), filed January 11, 1978. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and dry fertilizer materials, in bulk, from Cairo, Ohio to points in Michigan and Indiana, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. (J. J. Stefanec, Director, Transportation Legislation and

Research.) Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138991 (Sub-No. 23TA), filed January 24, 1978. Applicant: K. J. TRANSPORTATION, INC., 100 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry beverage preparations*, from Northfield, Ill., to Geneva, Ohio and Hightstown, N.J., under a continuing contract or contracts with Coca-Cola Foods Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coca-Cola Foods Division, 480 Mercer Street, Hightstown, N.J. 08520. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 South Clinton St., Room 1259, Syracuse, N.Y. 13260.

No. MC 140010 (Sub-No. 12TA) (partial correction), filed November 23, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tettlebaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326.

NOTE.—The purpose of this partial correction is to indicate applicant's correct assigned MC Number, No. MC 140010 (Sub-No. 12TA), in lieu of No. MC 140040 (Sub-No. 12TA), which was previously published in error; the rest of the publication remains the same.

No. MC 140768 (Sub-No. 14TA), filed January 11, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08833. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment, stoves, fireplaces, furnaces and incinerators*, from Athens and Huntsville, Ala., to Fort Smith and Little Rock, Ark., Jacksonville and Orlando, Fla., Atlanta, Ga., Carbondale and Chicago, Ill., Baton Rouge, La., Jackson, Miss., Albany, N.Y., Portland, Ore., Scranton, Pa., Nashville, Tenn., Beaumont, Carrollton, Corpus Christi, Fort Worth, and Houston, Tex., Alexandria and Vienna, Va., Seattle and Spokane, Wash., for 180 days. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper: Martin Industries, P.O. Box 128, Florence, Ala. 35630. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141197 (Sub-no. 20TA), filed January 24, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64150. Applicant's representative: Tom B. Kretzinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Bourbon, Crawford, and Cherokee Counties, Kans., to Kansas City, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fuel Dynamics, P.O. Box 308, Oswego, Kans. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 141532 (Sub-No. 17TA), filed December 1, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433, 16th Avenue South, Federal Way, Wash. 98003. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections and accessories* (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corp. in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., C. W. Hall, Director of Transportation, 24 North Main Street, Middletown, Ohio 45043. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 141853 (Sub-No. 2TA) (correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: C-B-C TRANSPORTS, INC., 845 Percy Street, P.O. Box 1143, Greenville,

Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement in containers, commodities in bulk, household goods as defined by the Commission, and commodities which, because of size, weight, or value, require the use of special equipment), (1) between points in Washington and Bolivar Counties, Miss., on the one hand, and, on the other, points in Mississippi on the west of U.S. Highways 51 and I-55 and on and north of U.S. Highways 80 and I-20; (3) between Belzoni, Rolling Fork, and Yazoo City, Miss., on the one hand, and, on the other, Jackson and Vicksburg, Miss.; serving all Mississippi points in the Commercial zones of all points in the above territories described above, including Belzoni, Rolling Fork, Yazoo City, Jackson, and Vicksburg, Miss. Restricted to the transportation of traffic having a prior or subsequent movement by rail, water or motor vehicle, for 180 days. Supporting shippers: There are (51) statements of support attached to this application which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201. The purpose of this republication is (1) to show applicant's correct name C-B-C Transport, Inc., in lieu of M.A. Creekmore and Jasper V. Bennett, C-B-C Transport, Co.; and (2) to complete the territorial description.

No. MC 142891 (Sub-No. 1TA) (correction) filed December 15, 1977, published in the FEDERAL REGISTER issue of January 16, 1978, and republished as corrected this issue. Applicant: A AND H, INC., Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, Trade World Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, from the facilities of George A. Hormel and Co., at or near Beloit, Wis., to points in Ohio, New York, Pennsylvania, New Jersey, Delaware, Virginia, Kentucky, Michigan, Maine, Indiana, Maryland, and Massachu-

setts. Restricted to product originating at the named origin and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George A. Hormel and Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison, Wis. 52703. The purpose of this republication is to include the State of Maryland, which was previously omitted in error.

No. MC 143822TA, filed October 3, 1977 (Republication). Applicant: Y's TRUCKING CO., INC., 2378 Caladium Drive, N.E., Atlanta, Ga. 30345. Applicant's Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Rehrig Pacific Co. at or near Doraville (Gwinnett County), Ga., to points in Alabama, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Tennessee, Kentucky, Illinois, Indiana, Ohio, and St. Louis, Mo., under a continuing contract, or contracts, with Rehrig Pacific Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rehrig Pacific Co., 100 Piedmont County, Atlanta, Ga. 30340. The above-described request for authority was published in the FEDERAL REGISTER November 25, 1977, but the destination State of Missouri was shown in lieu of Mississippi, and the destination State of Kentucky was not included. The entire authority, as corrected, was granted by the Commission, Motor Carrier Board, by order entered December 30, 1977. Insofar as the authority to serve points in Mississippi and Kentucky is concerned, any interested party may file a petition for reconsideration 15 calendar days from the date this notice is published. Send petitions for reconsideration to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 144090TA, filed December 8, 1977. Applicant: RED LETTER TRUCKING CO., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Applicant's representative: Stanley E.

Levine, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients*, from Frankfort, Indianapolis, Logansport, and Decatur, Ind.; Danville, Ill.; Bellevue, Delphos, Fostoria, Marion, and Perrysburg, Ohio; Blissfield and Hillsdale, Mich.; and Ports of Entry on the International Boundary Line between Canada and the United States on the Detroit River, restricted to international traffic, to points in Pennsylvania, points in Chataqua, Cattaraugus, and Erie Counties, N.Y., and points in Washington and Frederick Counties, Md. (2) *Fertilizer* from Maumee and Washington Court House, Ohio to the destination area described in (1) above, for 180 days. Supporting shipper(s): Jesse C. Stewart Co., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Send protests to: John J. England, Transportation Specialist, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 144220TA, filed January 23, 1978. Applicant: STEVE RUNYON, doing business as RUNYON TRUCKING, Route 1, Box 10, Bidwell, Ohio 45614. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from mine sites in Athens, Hocking Perry, and Vinton Counties, Ohio to West Columbia, W. Va., having subsequent movement by barge, under a continuing contract or contracts with Raven Hocking Coal Corp., for 180 days. Supporting shipper(s): Francis A. Zuspan, Vice President, Raven Hocking Coal Corp., Box 108, Mason, W. Va. 25260. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4187 Filed 2-14-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Commodity Futures Trading Commission	1, 2
Federal Communications Commission	3, 4
Federal Energy Regulatory Commission	5
Federal Trade Commission	6, 7, 8
Indian Claims Commission	9
Nuclear Regulatory Commission	14
Parole Commission	10, 11
Securities and Exchange Commission	12, 13

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 am. February 13, 1978.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continuation of Reauthorization meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-346-78 Filed 2-13-78; 8:59 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. February 17, 1978.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Options Policy Resolution.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-347-78 Filed 2-13-78; 8:59 am]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 16, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Amendments of Parts 2 and 97 of the Commission's Rules to (a) prohibit marketing of amplifiers capable of operating in the 24 to 35 MHz range and (b) require type acceptance of Amateur Radio equipment (Docket Nos. 21116 and 21117).

Complaints and Compliance—1—Proposals for achieving licensee compliance with the fairness doctrine.

Complaints and Compliance—2—Review of the Broadcast Bureau ruling (December 21, 1977) concerning a complaint against TV Stations WBBM, WMAQ and WLS, all of Chicago, Ill., alleging violation of section 312(a)(7) of the Communications Act filed by Anthony R. Martin-Trigona.

Complaints and Compliance—3—Petition for Reconsideration of the Commission's December 8, 1977 Order, and a complaint against radio station WGN, Chicago, Illinois, both filed by Anthony R. Martin-Trigona.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 9, 1978.

[S-355-78 Filed 2-13-78; 2:01 pm]

[6712-01]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 14, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted:

Agenda, Item No., and Subject

Cable Television—2—Amendment of § 76.256D (1)-(3) of the Commission's Rules regarding cable access obscenity.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone

number 202-632-7260.

Issued: February 10, 1978.

[S-356-77 Filed 2-13-78; 2:01 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

FEBRUARY 10, 1978.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

TIME AND DATE: 3:20 p.m. February 10, 1978.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending Civil Litigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

The following members of the Commission have voted that agency business requires the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis.
Commissioner Smith.
Commissioner Sheldon.
Commissioner Holden.
Commissioner Hall.

KENNETH F. PLUMB,
Secretary.

[S-349-78 Filed 2-13-78; 9:33 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, February 3, 1978, Page No. 4750.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, February 7, 1978.

CHANGES IN THE AGENDA: In MATTERS TO BE CONSIDERED the date has been change from February 3, to Tuesday, February 7, 1978.

[S-352-78 Filed 2-13-78; 10:19 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 14, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Proposed Final Rules Implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information; 202-523-3830; Recorded Message: 202-523-3806.

[S-353-78 Filed 2-13-78; 10:19 am]

[6750-01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 14, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 14, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information; 202-523-3830; recorded message: 202-523-3806.

[S-354-78 Filed 2-13-78; 10:19 am]

[7030-01]

9

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., February 23, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public:

Docket 134, S'Klallam.

Docket 229, Navajo.
Docket 300-A, Stockbridge Munsee Community.
Docket 301 (Claims 3 through 7), Oneida Nation.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone: 202-653-6174.

[S-351-78 Filed 2-13-78; 10:19 am]

[4410-01]

10

PAROLE COMMISSION.

TIME AND DATE: Friday, February 24, 1978, at 9 a.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 10 cases decided by National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, National Appeals Board Analyst, 202-724-3094.

[S-35-7-78 Filed 2-13-78; 3:16 am]

[4410-01]

11

PAROLE COMMISSION.

TIMES AND DATES: Friday, February 24, 1978 starting at 11:30 a.m., continued on Saturday, February 25, 1978 10 a.m. to 4 p.m.

PLACES: February 24, 1978, Room 500, 320 First Street NW., Washington, D.C.; February 25, 1978, the Executive Room, Quality Inn, 415 New Jersey Avenue NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending legislation—Formulation of the Commission's approach to S. 1437 from the standpoint of overview, criminology, and effect on the Commission's authority, structure, and responsibilities.

CONTACT PERSONS FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117, Washington, D.C.

[S-358-78 Filed 2-13-78; 3:16 pm]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43FR 4539, February 2, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional items considered.

The following items were considered by the Commission at an open meeting on Thursday, February 9, 1978, at 2:30 p.m.:

1. Consideration of the issuance of an order of a public hearing and a release describing the procedures of the hearing on outstanding proposed rules relating to accounting practices of oil and gas producers.
2. Consideration of the issuance of an order extending for 60 days the period for conclusion of disapproval proceedings in respect of a rule proposal by the American Stock Exchange ("AMEX") regarding alternate criteria for listing foreign issues and a rehearing on the Commission's earlier decision to disapprove the AMEX proposal regarding alternate criteria for listing stock of issuers which cannot meet the AMEX's current earning requirements.

The following items were considered by the Commission at the closed meeting on Thursday, February 9, 1978, at 4:20 p.m.:

- Settlement of administrative proceedings.
- Freedom of Information Act Request.
- Other litigation matter.
- Referral of investigative files to Federal, state or self-regulatory authorities.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the items considered at the closed meeting were so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(b)(4) (8) (9)(A), and (10) and 17 CFR 200.402(a) (8), (9), (9), and (10).

Chairman Williams and Commissioners Loomis and Pollack determined that Commission business required that the additional matters be considered and that no earlier notice thereof was possible.

FEBRUARY 10, 1978.

[S-348-78 Filed 2-13-78; 8:59 am]

[8010-01]

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 5646, February 9, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional items for consideration.

The following additional items will be considered by the Commission at an open meeting on Tuesday, February 14, 1978, at 10 a.m.:

SUNSHINE ACT MEETINGS

6717-6719

1. Consideration of legislative proposals relating to transactions by members of national securities exchanges under Section 11(a) of the Securities Exchange Act of 1934.

2. Consideration of proposed legislation with respect to the Commission's budget authorization for fiscal years 1979-1981.

The following items will not be considered by the Commission at the closed meeting on February 14, 1978, at 10 a.m.:

Regulatory matters arising from or bearing enforcement implications.

The following items will not be considered by the Commission at the closed meeting on February 15, 1978, at 2:30 p.m.:

Regulatory matter arising from or bearing enforcement implications.

Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business requires that the additional matters be considered and

that certain items be deleted and that no earlier notice thereof was possible.

FEBRUARY 13, 1978.

[S-359-78 Filed 2-13-78; 3:16 pm]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 13, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 14

9:30 a.m. 1. Briefing by State Department representatives on export matters. (Approx

1 hr.) (Closed-Exemption 1.) (Postponed from 1/24/78.)

2. Discussion of personnel matter. (Approx 1½ hrs.) (Postponed from 1/24/78.) (Closed-Exemption 6.)

THURSDAY, FEBRUARY 16

9:30 a.m. 1. Discussion of recommendations on course of action for establishing nuclear facility decommissioning requirements. (Approx ½ hr.) (Public meeting.)

2. Discussion of dollar per man-Rem rule-making. (Approx 1 hr.) (Public meeting.)

3. Discussion of Commission review of Midland. (ALAB-452.) (Approx 15 min.) (Public meeting.)

1:00 p.m. 1. Discussion of OIA report on Apollo testimony. (Approx 1 hr.) (Closed-Exemptions 1, 6, 9.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: February 9, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-360-78 Filed 2-14-78; 9:57 am]

Legislation
Proposed

WEDNESDAY, FEBRUARY 15, 1978
PART II



VETERANS ADMINISTRATION

■

VETERANS EDUCATION

Educational Assistance Benefits

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Educational Assistance Benefits

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The following regulatory provisions, implementing the Veterans' Education and Employment Assistance Act of 1976, provide for increases in monthly rates and other significant changes in the educational assistance and vocational rehabilitation programs. Some of the changes are liberalizing and some are restrictive, while others codify policies and practices already in use. Additional changes are of a minor or technical nature. The effect of this change is to implement this law.

DATES: Comments must be received on or before March 16, 1978. It is proposed to make these provisions effective the dates shown below in accordance with Pub. L. 94-502 which amends chapters 31, 34, 35, and 36, title 38, United States Code:

October 1, 1976: Rate increases, increased basic entitlement, various provisions affecting the determination and extension of delimiting periods under chapter 35, reimbursement to State approving agencies for work that is subcontracted out, and increase in the reporting fees.

October 15, 1976: Provisions for payment of benefits for certain break periods, completion of work-study contracts when the student ceases to be a full-time student, elimination of the termination dates for chapter 31 training for the blinded and seriously disabled service-connected veterans, definitions of "institution of higher learning" and "standard college degree," redesignation of the title of the chapter 35 program and the redesignation of the titles to be used for the beneficiaries, permitting inspection of records of all students by authorized Government representatives to administer title 38 education programs, repeal of the requirements as to the Attorney General's list, establishing standards of compliance survey activities by the Veterans Administration, and other minor gender and technical changes not otherwise mentioned in this paragraph.

November 1, 1976: Termination of enrollment and reenrollments in the Predischarge Education Program for chapter 34.

December 1, 1976: Prohibition of payment of benefits for audited courses, no payment of benefits for courses the grades for which do not count toward graduation nor for

courses from which withdrawn without mitigating circumstances, correspondence courses or parts of courses by correspondence that are less than 6 months in length barred, new provisions as to barring attorneys-in-fact as addressees for delivery of benefits checks, changes in the 85-15 percent provisions, new provisions for measurement of training in accredited non-college degree courses, new approval criteria, amendment of the 2 years of operation rule, required retention of advertising, sales and enrollment materials, amended statutory provisions as to standards of progress and conduct, and training of chapter 31 trainees in Federal agencies without pay.

January 1, 1977: Termination of chapter 34 eligibility for those entering on active duty on or after that date (with limited exception for persons in programs such as Delayed Enlistment Program (DEP) and Reserve Officers' Training Corps (ROTC)), provisions of a final cutoff date for chapter 34 of December 31, 1989.

June 1, 1977: Bars to the prepayment of educational benefits, requirement that the student specifically request an advance payment (no need requirement), requirement that the school certify it agrees to, and can comply with, the requirements of the advance payment law.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420, 202-389-2092.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 27, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Service Unit in room 132. Such visitors to any

VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 6, 1978.

By direction of the Administrator.

RUFUS H. WILSON
Deputy Administrator.

1. Sections 21.41 and 21.42 are revised to read as follows:

§ 21.41 Extension of training.

(a) *General.* A veteran may be provided training beyond his or her basic termination date in accordance with dates set forth in § 21.42 when he or she was prevented from timely entering, or having entered, from completing vocational rehabilitation for one of the following reasons:

(1) *Physical or mental condition prevented timely entrance.* His or her physical or mental condition was such as to make training medically infeasible during all or any part of the critical period, as set forth in § 21.42, for qualifying to enter training in order to permit pursuit of a program during the 4-year period immediately preceding his or her basic termination date.

(2) *Physical or mental condition prevented completion.* He or she timely entered training but was prevented from completing his or her planned course because of physical or mental condition and through no fault of his or her own.

(3) *Discharge.* Discharge from service was such as to meet the eligibility requirements for vocational rehabilitation for the first time on or subsequent to the beginning date of the applicable critical period as set forth in § 21.42.

(4) *Service-connected disability.* He or she first established the existence of a service-connected compensable disability on or subsequent to the beginning date of the applicable critical period as set forth in § 21.42.

(5) *Increase in degree of disablement.* Subsequent to the beginning day of his or her critical period he or she has established the existence of an increase in the degree of disabling effect of service-connected disability which warrants a current finding that need for vocational rehabilitation exists and is attributable to the change.

(b) *Seriously disabled (including blinded) veterans.* A veteran who is blinded or otherwise seriously disabled as a result of service-connected disability may be provided training beyond the termination date otherwise applicable if:

(1) He or she has not previously been rehabilitated, or

(2) His or her disability has worsened, or he or she has developed a secondary service-connected condition resulting from service-connected disability.

ity after he or she was declared rehabilitated, to the extent that he or she is now precluded from performing the duties of the occupation for which previously trained.

(3) However, a counseling psychologist within the Veterans Services Division must determine that training is necessary based upon the veteran's disability and need for vocational rehabilitation.

(c) *Determination of serious disability.* For purposes of paragraph (b) of this section, serious disability includes:

(1) Service-connected blindness defined as visual acuity no better than 20/200 in the better eye after correction, or a field of vision restricted to an angle of 15 degrees or less.

(2) Service-connected disability evaluated singly or in combination at 50 percent or more, except convalescent

ratings, prestabilization ratings, and ratings based on hospitalization.

(3) Service-connected disability evaluated singly or in combination at 30 percent or 40 percent if, because of such disability, the veteran is unable to get and/or hold competitive employment. Service-connected disabilities evaluated singly or in combination at less than 30 percent do not constitute serious disability.

§ 21.42 Dates of eligibility.

Basic dates			Extension under § 21.41(a) (1) through (5)		Training under § 21.41(b)
(1) Date disability incurred.	(2) Date of discharge. ¹	(3) Basic termination date (Last pay date).	(4) If the basic termination date is less than 4 years away or has already passed, consideration should first be given for the 4-year extension and § 21.41(a) (1) through (5). See columns (4) and (5).	(5) Beginning and ending date of critical period § 21.41(a) (1) through (5).	(6) Extended termination date under § 21.41(a) (1) through (5). (Last pay date).
(a) 9-16-40 to 7-25-47.	After 9-15-40.	9 years after discharge date.	4 years and 9 months to 5 years after discharge date.	13 years after discharge date.	If veteran does not have sufficient training time for completion of rehabilitation by his or her basic termination date or by any applicable extension under § 21.41(a) (1) through (5) and is seriously disabled or blinded as provided in § 21.41(b) and (c), training after the otherwise applicable termination date shall be provided, or such periods as determined necessary based upon the disability and need for training.
(b) 7-26-47 to 6-26-50.	Before 10-15-62. After 10-14-62.	10-14-71 9 years after discharge date.	7-14-67 to 10-14-67. 4 years and 9 months to 5 years after discharge date.	10-14-75 13 years after discharge date.	
(c) 6-27-50 to 1-31-55.	After 6-26-50.	9 years after discharge date.	4 years and 9 months to 5 years after discharge date.	13 years after discharge date.	
(d) After 1-31-55	Before 10-15-62. After 10-14-62.	10-14-71 9 years after discharge date.	7-14-67 to 10-14-67. 4 years and 9 months to 5 years after discharge date.	10-14-75. 13 years after discharge date.	

¹ Date of discharge refers to the first unconditional discharge or release following the period of service in which the disability occurred.

² Critical period is the 90-day period immediately preceding the date falling exactly 4 years prior to the veteran's basic termination date. It is a 90-day period which permits the veteran time to complete counseling and select an objective which can be reached within the 4-year period immediately following.

³ When extended termination date under § 21.41(a) (1) through (5) for these service dates has expired, further extension may only be granted if the veteran qualifies under § 21.41(b) and (c).

⁴ In no case was basic termination date (last pay date) earlier than 8-19-63 or extended termination date earlier than 8-19-67.

2. Section 21.130 is revised to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* Each veteran under chapter 31 will be paid a subsistence allowance at the rates specified in § 21.133. Final payment may be withheld until proof of continued enrollment is received and the account adjusted. Allowance will be paid while the veteran is in training status, including any period during which he or she is on authorized leave.

(1) A veteran is in training status during:

(i) Periods when he or she is in attendance; this includes weekends and legal holidays (or customary vacation periods connected therewith) and, as determined by the Administrator, periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation.

(ii) Periods between consecutive terms within an enrollment period that do not exceed 1 full calendar month.

(iii) Periods between consecutive school terms when the veteran, as part of his or her approved program of vocational rehabilitation, transfers from one educational institution to another for the purpose of enrolling in and pursuing a similar course at the second institution, provided the period does not exceed 30 days.

(iv) Periods between a semester, term or quarter where the educational institution certifies the enrollment of the veteran on an individual semester, term or quarter basis, if the interval between such periods does not exceed 1 full calendar month.

(2) A veteran who is on approved leave will continue to be paid subsistence allowance even though he or she is hospitalized; receiving drill pay, flight pay or commuted rations as a member of a Reserve force; or while not on active duty, is receiving service department retirement or retainer pay. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

(b) *Restrictions.* A person in training under chapter 31 will not be paid subsistence allowance when:

(1) He or she is hospitalized pending final discharge from active service.

(2) He or she is receiving Veterans Administration hospital or domiciliary care following discharge from service, except as provided in paragraph (a)(2) of this section. (The veteran is not precluded from receiving subsistence allowance if as a part of his or her training he or she is receiving certain assistance in the day clinic of the hospital but is providing his or her own room and board, either at home or otherwise.)

3. In § 21.131, paragraph (b)(1)(i) is revised to read as follows:

§ 21.131 Commencing dates.

The commencing date of an award or increased award of subsistence allowance will be determined under this section, but will not be authorized for any period prior to the earliest date for which disability compensation is payable, or would be payable except for the receipt of retirement pay.

(b) *Increase for dependent.* Latest of the following dates:

(1) Date of claim: This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his or her child, or his or her adoption of a child, if the evidence of the event is received within 1 year of the event.

4. In § 21.132, paragraphs (e) and (g) are revised to read as follows:

§ 21.132 Reduction or discontinuance.

The effective date of reduction or discontinuance of subsistence allowance will be the earliest of the dates specified in these paragraphs. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(e) *"Interrupted", "discontinued", or "rehabilitated".*

(1) *Interrupted and rehabilitated.* Last day of attendance or last day of approved leave status, whichever is applicable.

(2) *Discontinued.* Last date of attendance or leave status whichever is applicable, except as follows:

(i) If the veteran is placed in discontinued status following withdrawal from all courses with nonpunitive grades or following completion of all courses with nonpunitive grades, and mitigating circumstances are not found by the Vocational Rehabilitation Specialist, benefits will be terminated effective the first date of the term or December 1, 1976, whichever is later.

(ii) If the veteran is placed in discontinued status following a term in which grades received include both those which count in grade point average and nonpunitive grades, and mitigating circumstances are not found: Subsistence allowance for courses in which nonpunitive grades were received will be terminated effective the first date of the term or December 1, 1976, whichever is later. Subsistence allowance for courses in which grades which count in grade point average were received will be terminated last date of attendance or leave status, whichever is applicable. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(g) *Reduction in rate of pursuit of course.* End of month in which reduction occurs, except that if the rate of pursuit is reduced as a result of the veteran's withdrawal from a course or courses with nonpunitive grade(s) or as a result of the completion of a course or courses with nonpunitive grade(s) (§ 21.4200(j)), benefits will be reduced as follows:

(1) If the Vocational Rehabilitation Specialist determines that there are mitigating circumstances:

(i) *Withdrawal with nonpunitive grades:* The end of the month of the end of the term in which withdrawal occurs, whichever is the earlier, unless the reduction occurs at the beginning of the term, in which case benefits will be reduced the first date of the term in which the withdrawal occurs or December 1, 1976, whichever is the later.

(ii) *Completion with nonpunitive grades:* No reduction required.

(2) If the Vocational Rehabilitation Specialist determines there are no mitigating circumstances reduction of benefits is effective the first date of the term in which the withdrawal or completion with nonpunitive grades occurs or December 1, 1976, whichever is the later. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

5. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Subsistence allowance is payable at the following monthly rates effective October 1, 1976.

Type of training	Monthly rate of subsistence allowance			
	No dependents	1 dependent	2 dependents	Each additional dependent
Institutional:				
Full time	\$226	\$280	\$329	\$24
¾ time	170	210	247	18
½ time	113	140	16	12
Sheltered workshop, training in the home, independent instructor (full time only)	226	280	329	24
Farm cooperative apprentice or other on job (OJT) (full time only)	197	238	275	18

Type of training	Monthly rate of subsistence allowance			
	No dependents	1 dependent	2 dependents	Each additional dependent
Combination (institutional and OJT) (full time only):				
Institutional 1/2 time or more.....	226	280	329	24
Institutional less than 1/2 time.....	197	238	275	18
Cooperative (full time only):				
Institutional full time.....	226	280	329	24
Business/industry full time.....	197	238	275	18

¹ For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

(38 U.S.C. 1504(b); Pub. L. 94-502, 90 Stat. 2383.)

6. In § 21.134, paragraph (c) is revised to read as follows:

§ 21.134 Postrehabilitation pay.

(c) *Farm cooperative, apprentice or other on-job.* The lump-sum payment will be twice the full-time monthly rate authorized for this kind of training including any additional amounts for dependents. The full-time rate will be the basis for payment without regard to the fact that the veteran may have been authorized less than the maximum subsistence allowance payable because of wages earned while pursuing on-the-job training.

7. In § 21.138, paragraphs (d) and (e) are added to read as follows:

§ 21.138 Advance payment.

(d) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Federal Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of 38 U.S.C. 1780(d)(5)(B) and (C) and (6) pertaining to receipt, delivery or return of advance checks and certifications of delivery and enrollment.

(e) *Time of payment.* Advance payment will only be authorized, at the beginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. See § 21.130.

8. In § 21.145, paragraph (a) is revised to read as follows:

§ 21.145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in the amount of \$625 will be paid. An advance payment of \$250 will be made for the first 100 hours agreed to be worked. Advances of lesser amounts, may be made in return for agreements to perform services for periods of less than 100 hours. In the event the veteran ceases to be a full-time student before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. If the veteran terminates all training he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student, but in no event later than 60 days after the date the student ceases to be a full-time student. (38 U.S.C. 1685; Pub. L. 94-502, 90 Stat. 2383.)

9. In § 21.201, paragraphs (e), (f)(1), (g)(1) and (5), and (b)(1) and (3) and the following portions of paragraph (i): Introductory portion preceding subparagraph (1); in subparagraph (2), the introductory portion preceding subdivision (i) and (2)(ii); in subparagraph (3), the introductory portion preceding subdivision (i), and subdivisions (iv), (v), (vi) and (vii), are revised to read as follows:

§ 21.201 Types of courses.

In prescribing the course for a particular veteran, that type or combina-

tion of types will be selected which will make the veteran most satisfactorily employable in his or her selected occupation. The types of courses of vocational rehabilitation are:

(e) *Sheltered workshop course.* A full-time course of training on the job or combination of training on the job and supplemental related instruction. The disabled veteran is provided vocational training in a specific employment objective in a place where he or she is relatively sheltered from competition with the able bodied. He or she is not required to meet production standards which in ordinary on-the-job training situations would interfere with the restoration of employability. The course is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for profit but primarily to provide vocational training, rehabilitation, and employment to the physically and mentally handicapped. A sheltered workshop course is a vocational course of training. It will be strictly differentiated from a course of specialized restorative training offered in a workshop for the purpose of work adjustment or personal adjustment. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment. Training under sheltered workshop conditions should give good promise of needed results not otherwise obtainable in the particular case.

(f) *Correspondence course.* ***

(1) A correspondence course may be prescribed as part of the course of vocational rehabilitation when it supplements the major part of the course to provide the veteran with theory or technical information directly related to and functional in the practice of the occupation for which he or she is being trained.

(g) *Training in the home.* A full-time course which a veteran pursues in his or her home with an individual instructor or instructors when:

(1) The limitations imposed by his or her disability prevent regular travel to and from a suitable training facility;

(5) There is evidence that upon completion of the training program the veteran will be suitably employable in his or her home or other place with reasonable assurance of continuing employment.

(h) *Independent instructor course.* ***

(1) An independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop within a reasonable commuting distance from the veteran's home, and the handicap caused by the veteran's disability precludes requiring his or her going elsewhere for training.

(3) Since the customary channels opening into employment may not be readily available to a veteran pursuing an independent instructor course, arrangements for satisfactory employment upon completion of the training shall be thoroughly considered and found favorable before the veteran is approved for such training. The veteran will be encouraged to develop gradually a market for his or her products and services and to supply that market so that by the completion of the training program he or she will have been trained into employment.

(i) *Farm cooperative course.* A full-time course designed to restore employability by training a veteran to operate a farm over which he or she has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans Administration in collaboration with the instructor to suit the needs of the individual veteran. Full consideration should be given to the size and character of the farm on which the veteran is to receive the farm part of his or her course. The veteran must become proficient in the type of farming for which he or she is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. Instruction will satisfy the requirements of paragraph (i)(1) or (2) of this section.

(2) Farm instruction of at least 200 hours per year (not less than 10 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) given by a fully qualified individual instructor by contract either with an educational agency or directly with the individual instructor, when:

(ii) Such instruction is limited to situations where the veteran is being trained to operate a farm over which he or she has control.

(3) Where the course is designed to train a veteran to operate a farm under his or her own control the plan

for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(iv) A detailed individual training program showing the kind and amount of instruction—classroom and individual, or farm group and individual, or individual.

(v) The operation of the farm shall be under the control of the veteran by ownership, lease, or other written tenure arrangement. Where the tenure arrangement is other than by ownership, the lease or other written agreement shall afford the veteran control of the farm at least until the completion of his or her course. The veteran's control must be such that he or she will be free to carry out the teachings of the training program and to operate a farm according to a farm and home plan developed by the Veterans Administration in collaboration with the instructor, the veteran, and, when appropriate, the landlord. Also, the lease or agreement must provide for capital improvements to be made which are necessary for carrying out the farm and home plan, with the veteran furnishing no greater portion of the costs thereof than the benefits accruing warrant. Furthermore, it must provide for the landlord to share the costs of improved practices put into effect in proportion to the returns he or she will receive from such practices. Ordinarily training will be approved for only one veteran on a single farm. However, where conditions of a particular farm are so highly favorable as to size, character, productivity, and equipment to assure the successful rehabilitation of a veteran in partnership with another person, such veteran may be placed in training with one, but not more than one, other veteran on a single farm, when the other veteran is, or immediately will be, in farm cooperative training or has satisfactorily pursued institutional farm training under laws administered by the Veterans Administration. There must be documentary evidence that the two principals have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(vi) The farm at the time of induction of the veteran into training and throughout the period of training shall be of such size and character that, together with the instruction part of the course, it will occupy the full time of the veteran, will permit instruction in planning, management, and operation of most of the major farming enterprises in the veteran's farm and home plan and, at least by the end of the necessary minimum period of training, will assure him or

her a reasonably satisfactory living under normal economic conditions.

(vii) The farm must have the necessary buildings and equipment to enable the veteran satisfactorily to commence pursuit of the course of farm cooperative training, and there must be present conditions which give reasonable promise that any additional items required for pursuit of the course, including livestock, will be available as they become necessary.

10. In § 21.202, paragraph (a)(3) is revised to read as follows:

§ 21.202 Full-time vocational rehabilitation training.

(a) Full-time vocational rehabilitation training for disabled veterans having normal work tolerance will be:

(3) Farm cooperative training assessed in accordance with § 21.201(i).

11. In § 21.204, paragraph (b)(1), (2) and (3) is revised to read as follows:

§ 21.204 Duration of the course.

(b) *Providing vocational rehabilitation training when the program cannot be completed by the Veterans Administration.* ***

(1) There is a written agreement among the veteran, the Veterans Administration, and some other responsible agency or individual that, upon expiration of the veteran's entitlement under chapter 31, the responsible agency or person will provide the remaining amount of training necessary to restore the veteran to employability so long as his or her conduct and progress remain satisfactory. Such responsible agency or person may be the State rehabilitation agency or it may be the responsible official of a grant-in-aid fund which provides an amount that gives support to living expenses and for school training, tuition costs if any. The essential requirement is that support of a veteran's program will be reasonably assured and he or she agrees that it is sufficient to enable him or her to remain in the course to its completion. A veteran may enter training or reenter for a new objective only if there remains at least 3 months between the date of entrance or reentrance and the veteran's termination date.

(2) It is determined that the veteran who has entered into training properly planned for completion by his or her termination date will not reach employability by that date for reasons beyond his or her control and it is not

possible to arrange for completion of training by some other agency or individual. In such case the veteran will be allowed to continue the course for his or her selected objective to his or her termination date, at which time all obligation of the Veterans Administration will cease.

(3) The prescribed course of vocational rehabilitation leads to an objective the practice of which requires passing of an examination for license and the veteran is able to complete all of the course by his or her termination date but is unable to take the licensing examination by that date. The veteran will be notified that obtaining a license will not be the responsibility of the Veterans Administration.

12. Section 21.205 is revised to read as follows:

§ 21.205 Adjusting the duration of the course.

A course of training will be prescribed and arranged for which is necessary to restore employability in the occupation which has been selected. Although certificate B gives an estimated length of the course, the duration will be that period of training which is necessary to qualify for employment taking into account any applicable previous training or experience in the individual veteran's case. As the veteran proceeds with the course there will be a continuing appraisal of his or her progress toward satisfactory completion of training. Based on this appraisal, any necessary adjustments to lengthen or shorten the previously planned period of training will be made to assure that:

(a) The veteran upon completion of such training will be employable as a trained worker in the selected occupation; and

(b) The duration of the veteran's course will not exceed the period necessary to make him or her employable in his or her objective.

13. In § 21.206, the introductory portion of paragraph (a) preceding subparagraph (1) and paragraph (a)(3) are revised to read as follows:

§ 21.206 Approval of training in excess of 4 years.

(a) The veteran cannot be trained to employability in an occupation consistent with the vocational handicap resulting from his or her disability and suitable in terms of his or her aptitudes, abilities, and interests, without exceeding 4 years of training time, subject to the following:

(3) Where the veteran's selected objective is reasonable in terms of his or her educational background and demonstrated abilities and he or she lacks the general education necessary for entrance into or satisfactory pursuit of his or her vocational course, general education on the elementary or secondary level may be provided if the general educational level to be attained can be reached in not to exceed 2 full school years—approximately 18 months—and the vocational course can be completed in not to exceed an additional 48 months.

14. Section 21.207 is revised to read as follows:

§ 21.207 Repetition of a course.

(a) A veteran having completed a course under chapter 31 according to the standards and practices of the institution ordinarily will not be authorized to pursue it again at the expense of the Government. However, repetition of the course or a particular part or parts of it may be approved when it is determined to be necessary to accomplish the veteran's vocational rehabilitation. A veteran repeating a course under chapter 31 is subject to the same requirements for satisfactory pursuit and completion of the course as are other students taking the course. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

(b) An eligible veteran who has completed a course of training under chapter 31 may pursue a review course if it is specifically organized and conducted as a review course. The number of repetitions of a review course which may be approved for a particular veteran will be determined on the basis of his or her need and a reasonable assurance that further repetition will restore employability.

(c) Audited courses, as defined in § 21.4200(i), may not be authorized as a part of a program of training under chapter 31. If an individual repeats a course, pursuant to paragraph (a) of this section, however, payment of benefits may be made, since the course is being pursued in the same manner as a credit course, whether or not credit is given, i. e., the individual is not merely a listener and must meet the same requirements as other students. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

15. Section 21.209 is revised to read as follows:

§ 21.209 Status "training declined."

(a) A veteran in status "induction pending" who has never been in vocational rehabilitation training will be changed to "training declined" when, after being properly notified that suitable training is available for him or her and instructed as to the next step he or she should take:

(1) Fails to respond; or

(2) Declines or refuses induction; or
(3) Defers induction for a period exceeding 30 days beyond the scheduled date of induction, except where such deferment is due to illness or other sufficient reason; or

(4) Has been given notice to report at a designated place and time to commence training, and he or she fails to report and fails to furnish satisfactory reasons for not reporting; or

(5) Commences or continues to pursue education or training under chapter 34 or 35.

(b) A veteran who is changed from status "induction pending" to status "training declined" will be informed that if his or her disability rating is reduced to less than compensable degree he or she will lose entitlement for vocational rehabilitation. The veteran will also be informed that if he or she requests training after 60 days from the time he or she is placed in "training declined" status the entire question of need for vocational rehabilitation will have to be reconsidered.

(c) Where the veteran requests induction into training within 60 days of the date he or she is placed in "training declined" status he or she may be entered into training without further counseling when:

(1) His or her disability has not been reduced to less than compensable degree, and

(2) There is no known reason why further counseling is needed.

16. In § 21.222, paragraph (f) is added to read as follows:

§ 21.222 Additional conditions for induction into training on the job.

(f) Training in an agency of the Federal Government, as permitted by § 21.223(c), will be in accord with the conditions and requirements of training on-the-job except that, when it is determined to be necessary to accomplish vocational rehabilitation, a veteran may be entered into training without compensation by the training establishment. The conditions applicable to such unpaid training are as follows:

(1) The determination as to the need for such training, as all or part of a veteran's program of vocational rehabilitation, will be made collaboratively by the Counseling Psychologist and Vocational Rehabilitation Specialist, based on an analysis of the veteran's needs, as indicated by his or her disability, education and work experience, employment goal, and other pertinent factors, in relation to available training resources and the requirements for restoration of employability.

(2) Unpaid training in a Federal agency may be used to prepare the veteran for employment in that agency, or, as appropriate, may be used as preparation for other public

employment or employment in the private sector.

(3) Unpaid training may be used to provide training in the areas of knowledge and the skills and competencies required for a specific occupation and/or to provide work experience when such work experience is needed for the purposes of adjustment or transition to render the veteran employable. (38 U.S.C. 1511; Pub. L. 94-502, 90 Stat. 2383)

17. In § 21.223, the headnote is changed, paragraph (a) is revised and paragraph (c) is added so that the revised and added material reads as follows:

§ 21.223 Induction into training on the job at subminimum wage rates or training at Federal facilities without pay.

(a) The Fair Labor Standards Act of 1938, as amended, requires a minimum wage with provision for an overtime rate, for most persons who are engaged in interstate commerce or in the production of goods for interstate commerce. The Administrator of the Wage and Hour Division, United States Department of Labor, may approve a subminimum hourly wage rate for handicapped workers where necessary in order to prevent curtailment of opportunities for employment. Similarly, the Walsh-Healey Public Contracts Act (Pub. L. 846, 74th Cong.) requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any one work week or 8 in any one day, employees not exempt must be paid not less than time and one-half. Questions of coverage in all doubtful cases will be cleared with the Wage and Hour Division's Regional Director before induction into training.

(c) Notwithstanding any other provision of law, the facilities of any agency of the United States may be used to provide unpaid training or work experience as part or all of a veteran's program of vocational rehabilitation when the Counseling Psychologist and Vocational Rehabilitation Specialist determine such training or work experience to be necessary to accomplish vocational rehabilitation in accordance with § 21.222(f)(1). While pursuing such training or work experience, an uncompensated veteran shall be deemed to be an employee of the United States for the purposes of benefits under chapter 81, title 5, United States Code, but not for the purposes of laws administered by the Civil Service Commission. (38 U.S.C. 1511; Pub. L. 94-502, 90 Stat. 2383)

18. Sections 21.260 and 21.261 are revised to read as follows:

§ 21.260 Introduction.

A veteran in a course of vocational rehabilitation may be granted leave of absence where such leave will not materially interfere with the pursuit of his or her course.

§ 21.261 Ordinary leave.

Ordinary leave will accrue at the rate of 2½ days per month during the entire time the veteran is in training status, including that time during which he or she is on approved leave of absence. Leave will not be accumulated to an amount in excess of 30 days. Accumulated leave will not be forfeited through interruption of training and may be carried over from one period of training to another and from one 12 successive months period of training to another. Similarly, where reentrance into training after rehabilitation or discontinuance is authorized, unused accumulated ordinary leave may be recredited to the veteran's account upon reentrance into training.

(a) *Granting of ordinary leave.* Ordinary leave of absence may be approved, as needed, in excess of amount of leave accrued to the credit of the veteran, but in no case may ordinary leave in excess of an aggregate of 30 days be authorized in any 12 months of training, beginning with the date of the veteran's entrance into training.

(1) The granting of such leave will not materially interfere with the pursuit of the prescribed course; and

(2) Except where the training establishment is not operating full time no ordinary leave will be granted which will require extending the veteran's training beyond 48 months, or further extending the training where in excess of 48 months already has been authorized.

(b) *Charging of ordinary leave.* Approved absences covering a period less than the standard school or work week of the training institution or establishment will be charged at the rate of 1 day for each school or working day of absence from the institution. Approved absences covering a period of 1 calendar week or more will be charged at the rate of 5 days for each 7 consecutive days of absence.

(1) For veterans enrolled in educational institutions, leave may not be authorized nor subsistence allowance paid for any period of more than 1 full calendar month between terms or other periods of instruction within a period of enrollment. When such interim period is 1 full calendar month or less subsistence allowance may be paid and leave will be charged for veterans enrolled in courses not leading to a standard college degree; there will be no charge against leave for veterans enrolled in courses leading to a standard college degree.

(2) If the veteran transfers, with vocational rehabilitation specialist ap-

proval, from one approved educational institution to another for the purpose of enrolling in and pursuing a similar course at the second institution during the next consecutive term, and the period between such consecutive terms does not exceed 30 days, such period will not be charged against leave for veterans pursuing a standard college degree program but will be charged against leave for veterans in courses not leading to a standard college degree. Leave may not be authorized, nor subsistence allowance paid, if the interval exceeds 30 days.

(3) If the educational institution certifies the enrollment of the veteran on an individual semester, term or quarter basis and the interval between such periods does not exceed 1 full calendar month, such period will not be charged against leave for veterans pursuing a standard college degree, but will be charged against leave for veterans in courses which do not lead to a standard college degree. Leave may not be authorized, nor subsistence allowance paid, if the interval exceeds 1 full calendar month.

(4) Leave will not be charged for periods where the school is temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

(5) For veterans pursuing on-the-job training, no charge will be made for holidays established by Federal or State law but a charge will be made for periods during which vacations are granted to all employees at the same time; or periods during which the plant is shut down to undergo repairs or because of such things as fuel shortages, strikes, inclement weather, etc.

(6) For veterans pursuing institutional-on-farm training, leave will not be charged for routine absences from the farm required in the ordinary day-to-day conduct of the farm business or for absences from that part of an institutional on-farm course which is given at the educational institution. However, absences which materially interfere with the pursuit of the course or prevent the veteran from receiving the required amount of instruction will be cause for interruption or discontinuance of training.

(7) For veterans in programs of independent study which are not on a semester or quarter basis, leave between designated periods of study may be authorized and will be charged on same basis as leave between terms.

19. In § 21.262, the introductory portion preceding paragraph (a) and paragraph (b)(1) are revised to read as follows:

§ 21.262 Additional leave under exceptional circumstances.

Leave of absence in addition to ordinary leave may be approved under the

following conditions, provided it is reasonably certain that the veteran will return to the pursuit of his or her course not later than the close of the period for which leave is approvable.

(b) *Personal hardship.* (1) After all accrued ordinary leave has been exhausted, additional leave, not to exceed 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training, may be granted for reasons other than personal illness, when failure to do so would cause personal hardship to the veteran. Satisfactory reasons under this category might include illness or death in the veteran's immediate family or other compelling conditions beyond the veteran's control which, in the opinion of the Veterans Administration, make it necessary that the veteran be permitted to absent himself or herself from training. Personal hardship leave will not be granted to cover periods between ordinary school years.

20. Section 21.701 is revised to read as follows:

§ 21.701 Need for vocational rehabilitation.

(a) A veteran having basic eligibility for whom training to employability is found medically and otherwise feasible may be afforded training if he or she is found in need of vocational rehabilitation because of the handicap of his or her service-connected disability.

(b) A veteran who has a service-connected disability of compensable degree which resulted from service in the Armed Forces on or after September 16, 1940, will be presumed to be in need of vocational rehabilitation. However, a veteran will be held not in need of training, if it is determined through counseling that the veteran's service-connected disability causes no limitations on potential employability or, if such limitations exist that he or she is employed or fully qualified for employment in a suitable occupation. An occupation in which a disabled veteran is employed or in which he or she could obtain and hold employment will be considered suitable when the following criteria are met:

(1) The occupation is one which is pursued by workers in the locality where the veteran resides; and

(2) The veteran can meet the requirements of the occupation with no great likelihood of aggravating the disability; and

(3) The occupation is one in which a trained worker normally pursues employment and earns a livelihood; and

(4) Job requirements are such that a period of training (over and beyond

vestibule training) is required to secure and hold employment in it; and

(5) The occupation is consistent with the veteran's aptitudes, abilities, interests, and capacities.

(c) The determination as to whether a disabled veteran is in need of vocational rehabilitation will be made by counseling psychologists in Veterans Services Divisions in field stations.

21. In § 21.1020, paragraph (b) is revised to read as follows:

§ 21.1020 Educational assistance.

(b) *45 Months limitation.* Educational assistance may not exceed a period of 45 months, or the equivalent in part-time training, except as specified in § 21.1041.

§ 21.1021 [Amended]

22. Immediately following § 21.1021, the cross reference is changed to read "Measurement of courses. See § 21.4270(c)".

23. In § 21.1040, the introductory portion preceding paragraph (a) and paragraph (a) are revised to read as follows:

§ 21.1040 Basic eligibility.

Basic eligibility for educational assistance for persons training under chapter 34, title 38, United States Code, including chapter 36 to the extent applicable, is subject to the following requirements:

(a) *Service.* An eligible veteran is a person with active duty service, including travel time which meets the requirements of § 3.6(b)(6) of this chapter, who has either:

(1) Served on active duty for a continuous period of 181 days or more, any part of which occurred on or after February 1, 1955, and before January 1, 1977,

(2) Served on active duty for a continuous period of 181 days or more, as a result of a contract with the Armed Forces in a program such as the DEP (Delayed Enlistment Program), or an ROTC (Reserve Officer's Training Corps) program for which a person enlisted in, or was assigned to, a reserve component prior to January 1, 1977, any part of which period of active duty commenced within 12 months after January 1, 1977, or

(3) Served on active duty for a period of less than 181 days any part of which period was performed, either after January 31, 1955 and before January 1, 1977 or if pursuant to a contract as provided in paragraph (a)(2) of this section, after January 1, 1977 and was discharged or released because of a service-connected disability.

(38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

24. In § 21.1041, paragraphs (a) and (d) are revised to read as follows:

§ 21.1041 Periods of entitlement.

(a) *General.* (1) A veteran with less than 18 months active duty service or a person on active duty who meets the requirements of § 21.1040 will be entitled to full-time educational assistance for a period not in excess of 45 months computed on the basis of 1½ months (or the equivalent in part-time educational assistance) for each month or fraction of a month of service on active duty on or after February 1, 1955 up to and including the date of the veteran's first discharge or release after December 31, 1976, if he or she was in the active military service on December 31, 1976, or has eligibility as provided in § 21.1040(a)(2). First discharge or release means the first such discharge or release wherein the person is eligible for complete separation from active duty. There will be excluded from the period of entitlement the periods specified in § 21.1040 (b) and (c).

(2) A veteran who has served a continuous period of not less than 18 months of active duty on or after February 1, 1955, and who has been released from such service under conditions that satisfied his or her active duty obligation, will be entitled to full-time educational assistance for a period of 45 months (or the equivalent in part-time educational assistance). Service on or after January 1, 1977 may be included up to and including the date of the veteran's first discharge or release after December 31, 1976 if he or she was in the active military service on December 31, 1976 or has eligibility based upon section 1652(a)(1)(B), title 38, United States Code (§ 21.1040(a)(2)). The periods specified in § 21.1040(b) will be excluded in computing the 18 months period.

(3) The veteran may use his or her entitlement at any time during the 10-year period determined under § 21.1042, but in no event shall education or training be afforded a veteran under chapter 34 or 36 after December 31, 1989. It is not required that the entitlement time be used in consecutive months.

(4) The 45 months limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a), pursued by a veteran under the Program of Special Assistance for the Educationally Disadvantaged or by a service-

man or servicewoman under the Predischarge Education Program, or pursued by a spouse, or surviving spouse under the Special Assistance for the Educationally Disadvantaged program. (38 U.S.C. 162; Pub. L. 94-502, 90 Stat. 2383.)

(d) *Extension.* The period of entitlement, including the 45 months period, may be extended, but not beyond the 10-year delimiting date specified in § 21.1042:

(1) To the end of a term, quarter or semester in a school regularly operated on a term, quarter or semester system, when the period of entitlement ends during the term, quarter or semester.

(2) To the end of the course or for 12 weeks, whichever is less, in all other schools, when the period of entitlement ends after more than half of the course has been completed. In a course consisting exclusively of flight training and in a course pursued exclusively by correspondence, the period of entitlement will be extended to the end of the course or for the total additional amount of instruction that \$728 will provide for flight and \$817 will provide for correspondence whichever is less. (38 U.S.C. 1661; Pub. L. 94-502, 90 Stat. 2383.)

(3) No extension of the period of entitlement will be made where training is pursued in a training establishment as defined in § 21.4200(c).

25. Section 21.1042 is revised to read as follows:

§ 21.1042 Ending dates of eligibility.

The ending date of eligibility will be the latest of the following dates:

(a) *General.* No educational assistance will be afforded a veteran later than 10 years after his or her last discharge or release from active duty after January 31, 1955 or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 94-502, 90 Stat. 2383.)

(b) *Correction of military records.* If the veteran became eligible for educational assistance as the result of a correction of military records under 10 U.S.C. 1552 or a change, correction, or modification of a discharge or dismissal pursuant to 10 U.S.C. 1553, or other corrective action by competent military authority, educational assistance will not be afforded later than 10 years after the date his or her discharge or dismissal was changed, corrected or modified or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 94-502, 90 Stat. 2383.)

(c) *Initial eligibility.*—(1) *Discharge or release before June 1, 1966.* Where eligibility is based on a discharge or release from active duty before June 1,

1966, educational assistance will not be afforded later than May 31, 1976.

(2) *Discharge or release before August 31, 1967.* Where eligibility is based on a discharge or release from active duty before August 31, 1967, educational or training assistance based on a course of apprentice or other on-the-job training, flight training, or farm cooperative training approved under the provisions of § 21.4261, 21.4262, 21.4263 or 21.4264 will not be afforded later than August 30, 1977. (38 U.S.C. 1662; Pub. L. 94-502, 90 Stat. 2383.)

(d) *Discontinuance.* If the veteran is pursuing a course on the date of expiration of eligibility as determined under this section, the educational assistance allowance will be discontinued effective the day preceding the end of the 10-year period or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 94-502, 90 Stat. 2383.)

(e) *Periods excluded.* There shall be excluded in computing the 10-year period of eligibility for educational assistance under this section, any period during which the eligible veteran subsequent to his or her last discharge or release from active duty was captured and held as a prisoner of war by a foreign government or power plus any period immediately following the veteran's release from detention during which he or she was hospitalized at a military, civilian, or Veterans Administration medical facility, provided:

(1) The veteran served on or after February 1, 1955, and

(2) The veteran was eligible for educational assistance under the provisions of chapter 34 or chapter 36 of title 38, United States Code. (38 U.S.C. 1662.)

(3) In no event shall educational assistance be afforded to any eligible veteran under chapters 34 or 36 after December 31, 1989. (38 U.S.C. 1662; Pub. L. 94-502, 90 Stat. 2383.)

26. In § 21.1045, paragraphs (a)(2) and (5), (b) and (d) are revised to read as follows:

§ 21.1045 Entitlement charges.

(a) *Residence courses.* * * *

(2) *Flight training courses; Chapter 34.* A charge against the period of entitlement for a program consisting exclusively of flight training will be made on the basis of 1 month for each \$270 which is paid to the veteran as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{4}$ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1677(b); Pub. L. 94-502, 90 Stat. 2383.)

(5) *Secondary school training; Chapter 35 Spouse or surviving spouse.* No

charge will be made against the entitlement of a spouse or surviving spouse based on a course pursued under the circumstances outlined in § 21.4237, Special Assistance for the Educationally Disadvantaged. (38 U.S.C. 1733.)

(b) *Correspondence courses.*—(1) *High school courses.* The provisions of paragraph (a)(1) of this section, except to servicemen or servicewomen on active duty, and paragraph (a)(5) of this section are applicable to correspondence courses at a secondary school level.

(2) *Other courses.* Except as provided in paragraph (b)(1) of this section, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each \$175 paid to the veteran as an educational assistance allowance for such course, for contracts entered into before January 1, 1973. For agreements entered into after December 31, 1972, the period of entitlement of any eligible veteran, spouse or surviving spouse who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each \$220 paid before September 1, 1974 to the veteran, spouse or surviving spouse as an educational assistance allowance for such course. For payments made on or after September 1, 1974, the charge will be 1 month for each \$260 paid and for payments made on or after January 1, 1975, the charge will be 1 month for each \$270 paid. For payments made on or after October 1, 1976, the charge will be 1 month for each \$292 paid. Where the computation results in a period of time other than a full month, or other than exactly $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{4}$ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1786(a)(2); Pub. L. 94-502, 90 Stat. 2383.)

(d) *Active duty.* A charge against the period of entitlement for a program of education pursued by a veteran, serviceman or servicewoman on active duty will be made on the basis of the credit hours for which enrolled or clock hours of attendance, except that no charge against entitlement will be made where the courses are pursued under the program of Special Assistance for the Educationally Disadvantaged or the Predischarge Education program. See § 21.4270.

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

27. The title of Subpart C is changed to read "Survivors' and Dependents'

Educational Assistance Under 38 U.S.C. Chapter 35."

28. In § 21.3020, the introductory portion preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 21.3020 Educational assistance.

The program of educational assistance under 38 U.S.C. ch. 35 captioned Survivors' and Dependents' Educational Assistance, may be referred to as Dependents' Educational Assistance. (Sec. 309, Pub. L. 94-502, 90 Stat. 2383)

(b) *45 months limitation.* Educational assistance may not exceed a period of 45 months, or the equivalent in part-time training, unless it is determined that a longer period is required for special restorative training under the circumstances outlined in § 21.3300(c) or except as specified in § 21.3044(c). (38 U.S.C. 1711(a), 1733, 1741(b); Pub. L. 94-502, 90 Stat. 2383)

29. In § 21.3021, paragraphs (a)(1)(iii), (2) introductory portion preceding subdivision (i), (3) introduction and subdivision (i), (c) and (d) are revised to read as follows:

§ 21.3021 Definitions.

(a) "Eligible person" means:

(1) A child of a

(iii) Veteran, serviceman or servicewoman who has a total disability permanent in nature resulting from a service-connected disability.

(2) The surviving spouse of a:

(3) The spouse of a:

(i) Veteran, serviceman or servicewoman who has a total disability permanent in nature resulting from a service-connected disability.

(c) "Wife" and "widow", "spouse" and "surviving spouse." The terms "wife" and "widow" mean an individual as defined in § 3.807(d) of this chapter and the terms "spouse" and "surviving spouse" shall have the same respective meaning when used in the regulations in Part 21, Title 38, Code of Federal Regulations. Educational assistance allowance may not be authorized for any such individuals for any period before December 1, 1968. (38 U.S.C. 1700, 1701, and 1711; Pub. L. 94-502, 90 Stat. 2383)

(d) "Parent or guardian" means a natural or adoptive parent, a fiduciary

legally appointed by a court of competent jurisdiction or any person who is determined to be otherwise legally vested with the care of the eligible person (38 U.S.C. 1701(a)(4)) or it may be the eligible person if he or she has attained majority under laws applicable in his or her State of residence as shown on the application and is under no known legal disability. (38 U.S.C. 1701(b)). The eligible person may be designated as the person by whom required actions may be taken even though he or she has not attained majority, or having attained majority, is under a legal disability, when it is determined that to do otherwise would not be in his or her best interest, would result in undue delay or would not be administratively feasible. Where necessary to protect his or her interest and there is reason why the eligible person should not act for himself or herself, some other individual may be designated as the person by whom required actions should be taken. (38 U.S.C. 1701(c))

30. Section 21.3030 is revised to read as follows:

§ 21.3030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the spouse, surviving spouse, parent of a child or the child having attained legal majority, or the guardian of an eligible person in order for educational assistance allowance or special restorative training allowance to be paid. (38 U.S.C. 1713; Pub. L. 94-502, 90 Stat. 2383)

31. In § 21.3031, paragraph (a) is revised to read as follows:

§ 21.3031 Informal claims.

(a) Any communication from a spouse, surviving spouse, parent of a child or the child having attained legal majority, or the guardian of an eligible person, an authorized representative or a Member of Congress indicating an intent to apply for educational assistance for an eligible person may be considered an informal claim. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the spouse, surviving spouse, parent of a child or the child having attained legal majority, or the guardian of an eligible person for execution. If received within 1 year after the date it was sent to the spouse, surviving spouse, parent of a child or the child having attained legal majority, or the guardian of an eligible person, it will be considered filed as of the date of receipt of the informal claim. (38 U.S.C. 1713; Pub. L. 94-502, 90 Stat. 2383)

32. In § 21.3040, paragraph (d) is revised to read as follows:

§ 21.3040 Eligibility; child.

(d) *Termination of eligibility.* No person is eligible for educational assistance beyond his or her 31st birthday, except as provided under § 21.3041(e)(2). In no event may educational assistance be provided after the period of entitlement has been exhausted. In an exceptional case special restorative training may be provided in excess of 45 months. See § 21.3300.

33. In § 21.3041, the introductory portion of paragraph (d) preceding subparagraph (1) and paragraph (e) are revised to read as follows:

§ 21.3041 Periods of eligibility; child.

(d) *Modified ending date.* When one of the following occurs between ages 18 and 26, the ending date will be the eligible person's 26th birthday or 8 years from the date of happening specified in paragraph (d)(1) to (7) of this section and 10 years in paragraph (d)(8), whichever is later. Where the ending date is subject to modification under more than one of paragraph (d)(3), (4), (5), (6) or (7) of this section the more favorable date will apply. In no case will the modified ending date extend beyond the eligible person's 31st birthday.

(e) *Extensions to ending dates.* (1) Suspension of program due to conditions determined by the Veterans Administration to have been beyond the person's control (see § 21.3043): extended for length of period of suspension, but not beyond age 31. See § 21.3040(d).

(2) Period of eligibility as specified in paragraph (c) or (d) of this section ends while enrolled in an educational institution regularly operated on the quarter or semester system and such period ends during a quarter or semester, such period shall be extended to the end of the quarter or semester, or for courses at educational institutions operated on other than a quarter or semester system, if the period ends after a major portion of the course is completed, such period shall be extended to the end of the course, or until 12 weeks have expired, whichever first occurs. Extension may be authorized beyond age 31, but may not exceed maximum entitlement. See § 21.3044(a). No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c). (38 U.S.C. 1712(a)(5); Pub. L. 94-502, 90 Stat. 2383)

(3) Child is enrolled and eligibility ceases because veteran is no longer rated permanently and totally disabled; extended to date specified in paragraph (e)(2) of this section without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(o).

(4) Child is enrolled and eligibility ceases because the member of the Armed Forces upon whose service eligibility is based is no longer listed by the Secretary concerned in any of the categories specified in § 21.3021(a)(1)(iv); extended to date specified in paragraph (e)(2) of this section without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(o).

34. Section 21.3044 is revised to read as follows:

§ 21.3044 Entitlement.

(a) Each eligible person is entitled to educational assistance for a period not in excess of 45 months, or the equivalent thereof in part-time training. No extension of entitlement will be authorized except as provided in paragraph (c) of this section. The period of entitlement when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which subsistence allowance was paid after determination of employability following vocational rehabilitation. Where the period of entitlement is subject to reduction by reason of prior training the period of prior training will be converted to months and quarter fractions of a month before subtracting this period from the period of entitlement. In the conversion process a period of prior training less than a full month will be converted by using the table in § 21.1041(c).

(b) The 45-month period of entitlement is any 45 months within the period of eligibility. The eligible person is not required to pursue his or her program in the period of 45 consecutive months.

(c) The 45 months limitation may be exceeded only in the following cases:

(1) Where no charge against entitlement is made based on a course or courses pursued by a spouse or surviving spouse under the Special Assistance for the Educationally Disadvantaged program. (See § 21.4237); or

(2) Where special restorative training authorized under § 21.3300 exceeds 45 months.

35. Section 21.3046 is revised to read as follows:

§ 21.3046 Periods of eligibility; spouses and surviving spouses.

The period of eligibility cannot exceed 10 years and can be extended

only as provided in paragraph (c) of this section. If eligibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.4256, 21.4261 and 21.4262 will not be afforded later than October 23, 1982. The period of eligibility of a spouse computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of surviving spouse.

(a) *Spouses.* (1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 10-year period of eligibility is December 1, 1968.

(2) If the permanent total rating is effective on or after December 1, 1968, or the notification to the veteran of such rating was on or after that date, the beginning date of the 10-year period of eligibility is the effective date of the rating or the date of notification, whichever is more advantageous to the spouse.

(3) If eligibility arises under § 21.3021(a)(3)(ii) the beginning date of the 10-year period is December 24, 1970, or the date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs.

(b) *Surviving spouses.* (1) If the veteran's death occurred before December 1, 1968, the beginning date of the 10-year period is December 1, 1968.

(2) If the veteran's death occurred on or after December 1, 1968, the beginning date of the 10-year period is the date of death.

(c) *Extension to ending date.* Spouse is enrolled and eligibility ceases for a reason specified in paragraph (c)(1), (2) or (3) of this section; extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 12 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that \$817 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the 10-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

(1) Veteran is no longer rated permanently and totally disabled.

(2) Spouse is divorced from veteran without fault on her or his part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a)(3)(ii). (38 U.S.C. 1711(b), 1712(b), 1732, 1786; Pub. L. 94-502, 90 Stat. 2383)

36. In § 21.3300, paragraph (c) is revised to read as follows:

§ 21.3300 Special restorative training.

(c) Special restorative training may be provided in excess of 45 months where an additional period of time is needed to complete such training. Entitlement, including any authorized in excess of 45 months, may be expended through an accelerated program requiring a rate of payment in excess of \$92 per calendar month. See §§ 21.3303 and 21.3333(b). (38 U.S.C. 1741(b), 1742; Pub. L. 94-502, 90 Stat. 2383)

37. In § 21.3303, the introductory portion preceding paragraph (a) and paragraphs (a) and (b) are revised to read as follows:

§ 21.3303 Extent of training.

Ordinarily special restorative training may not exceed 9 months. However, where it is determined that more than 9 months is necessary the program will be referred to Central Office for prior approval. Where the plan for a program of special restorative training of itself (not in combination with the program of education) will require more than 45 months (or its equivalent in accelerated payments) the plan will be included in the recommendation to Central Office for approval. The limitation at age 31 may not be exceeded. A course of special restorative training will be prescribed on a full-time basis as determined in each individual case in accordance with one of the following requirements:

(a) The course will require devotion of that amount of time per week which is commonly devoted to a full-time course at an educational institution in each case where, based on medical findings, it is determined that the physical or mental condition of the eligible person will permit the devotion of that amount of time to his or her training.

(b) The course will require devotion of the maximum amount of time per week which is determined by medical findings to be commensurate with the limitations imposed by the eligible person's disability in each case where medical authority determined that, due to such limitations, the time he or she should devote to his or her course is less than the amount of time indicated in paragraph (a) of this section.

38. In § 21.3304, paragraphs (b)(2), (c)(1) and (3) and (d) are revised to read as follows:

§ 21.3304 Assistance during training.

* * *

(b) Supervision will as a minimum consist of the following:

* * *

(2) The assisting of the eligible person and his or her instructor in all matters affecting training.

* * *

(c) When in the process of supervision it is determined that adjustments are needed in the course or in the training situation immediate action will be taken to bring about such adjustments in accordance with the following:

(1) When the eligible person or his or her instructor indicates dissatisfaction with elements of the program through personal discussion with the eligible person and/or his or her instructor, there will be effected if possible a correction of the difficulty through such means as making minor adjustments in the course or by persuading the eligible person to give more attention to performance.

* * *

(3) When in process of supervision it is determined that the eligible person is making progress much faster than was anticipated and it is clear that his or her course may be terminated with satisfactory results short of the time originally planned, action will be taken to terminate the course at the proper time so that the eligible person's entitlement to an educational program may be conserved.

(d) As long as the eligible person is making satisfactory progress toward the established objective of overcoming the effect of his or her handicap, the eligible person will be continued in his or her course of training without accounting for days of nonattendance within his or her authorized enrollment. However, in any instance where the eligible person's progress toward his or her objective is unsatisfactory or because of his or her negligence, lack of application or misconduct, his or her progress is being materially retarded his or her course of instruction will be interrupted.

39. In § 21.3305, paragraph (a) is revised to read as follows:

§ 21.3305 Status "interrupted."

(a) An eligible person once entered into special restorative training should pursue his or her course to completion without interruption. Wherever possible, continuous training shall be provided for each such eligible person, including training during the summer, except where, because of his or her physical condition or other good

reason, it would not be to his or her best interest to pursue training during the summer.

* * *

40. In § 21.3333, paragraphs (a) and (b) are revised to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section.

Course	Monthly rate	Accelerated charges
Special restorative training.	\$292	If costs for tuition and fees average in excess of \$92 per month, rate may be increased by such amount in excess of \$92.

(b) *Accelerated charges.* The additional monthly rate may be paid if the parent of guardian concurs in having the eligible person's period of entitlement reduced by 1 day for each \$9.76 that the special training allowance exceeds the basic monthly rate of \$292. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less will be disregarded. Charges will be recorded when the eligible person is entered into training. (38 U.S.C. 1742; Pub. L. 94-502, 90 Stat. 2383.)

* * *

41. In § 21.4130, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 21.4139 Educational assistance allowance.

Educational assistance allowance will be paid at the rate specified in § 21.4136 or 21.4137 while the veteran or eligible person is pursuing a course of education. Except for apprenticeship and on-the-job training programs, no payment will be made based on a course not leading to a standard college degree for excessive absences as determined under § 21.4205(b). (See §§ 21.4136(i) and 21.4137(f) for proportionate reduction where less than 120 hours are completed during month in apprenticeship and on-job training programs.) Final payment may be withheld until proof of continued enrollment is received and the account adjusted.

* * *

42. In § 21.4135, paragraphs (e), (g), (s), and (v) are revised, paragraph (m) is revoked and paragraph (w) is added so that the revised and added material reads as follows:

§ 21.4135 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance allowance will be specified in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

* * *

(e) *Course discontinued; course interrupted; course terminated; course not satisfactorily completed or withdrawn from* (§§ 21.4136 and 21.4137).

(1) If the individual withdraws from all courses or receives all nonpunitive grades and in either case there are no mitigating circumstances as provided in § 21.3136(k) or 21.4137(h), benefits will be terminated or reduced effective first date of the term in which the withdrawal occurs or the term for which the grades are assigned or December 1, 1976, whichever is the later.

(2) If the individual withdraws from all other courses other than courses in paragraph (e)(3) of this section and with mitigating circumstances, as provided in § 21.4136(k) or 21.4137(h), or withdraws from all courses such that a punitive grade is or will be assigned for those courses:

(i) Residence training: Last date of attendance.

(ii) Independent study: Official date of change in status under the practices of the institution.

(3) If the individual withdraws from correspondence, flight, farm cooperative, cooperative or job training, benefits will be terminated effective:

(i) Correspondence training: Date last lesson is serviced.

(ii) Flight training: Date of last instruction.

(iii) Job training: Date of last training.

(iv) Farm cooperative training: Date of last class attendance.

(v) Cooperative training: Date of last training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

* * *

(g) *Unsatisfactory progress* (§ 21.4277). The date the veteran's or eligible person's enrollment is discontinued by the school or the date determined under § 21.4277, whichever is earlier.

* * *

(m) [Revoked.]

* * *

(s) *Reduction in rate of pursuit of course* (§ 21.4270). (1) If the individual reduces training by withdrawing from part of a course because of mitigating circumstances, but continues training in part of the course, benefits will be reduced effective at the end of the month or the end of the term in which

withdrawal occurs, whichever is earlier, except first date of the term in which reduction occurs, if the reduction occurs at the beginning of the term.

(2) If the individual reduces training by withdrawing from a part of a course, without mitigating circumstances, the reduction is effective first date of enrollment of the term in which the reduction occurs or December 1, 1976, whichever is the later. See paragraphs (e) and (w) of this section also.

(v) *Remarriage of spouse or surviving spouse.* (1) Remarriage: Last date of attendance before remarriage.

(2) Conduct of spouse or surviving spouse: Last day of month before inception of relationship.

(w) *Nonpunitive grade.* (1) If the individual receives a nonpunitive grade

in a particular course, reduction will be effective last date of attendance, when mitigating circumstances are found.

(2) If the individual receives a nonpunitive grade in a particular course, reduction will be effective the first date enrollment for the term in which the grade applies, or December 1, 1976, whichever is later, when no mitigating circumstances are found. See paragraphs (e) and (s) of this section.

43. In § 21.4136, paragraphs (a), (c), (d), (f), (h), and (j)(2) are revised and paragraph (k) is added so that the revised and added material reads as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates effective October 1, 1976:

Type of courses	Monthly rate			
	No dependent	1 dependent	2 dependents	Additional for each additional dependent
Institutional:				
Full time	\$292	\$347	\$396	\$24
¾ time	219	260	297	18
½ time	146	174	198	12
Less than ½ but more than ¼ time¹	146			
¼ time or less	73			
Cooperative, other than farm cooperative (full time only)	235	276	313	18
Apprentice or on-job (full time only but see footnote² below)				
Payment designated training assistance allowance:				
1st 6 mo	212	238	260	11
2d 6 mo	159	185	207	11
3d 6 mo	106	132	154	11
4th 6 mo and succeeding periods	53	79	101	11
Correspondence	90 per centum of the established charge for number of lessons completed by veteran and serviced by school³ minus allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay minus allowance paid monthly based on actual flight training received. See § 21.1045(a)(2).			
Farm cooperative:				
Full time	\$235	\$276	\$313	\$18
¾ time	176	207	235	14
½ time	118	138	157	9

¹If a veteran under chapter 34 or an eligible person under chapter 35 receiving benefits under § 21.4280(b)(2) completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$146 or \$73 as appropriate per month if the maximum allowance was not initially authorized.

²See paragraph (b) of this section.

³See footnote 3 of § 21.4270(d) for measurement of full time and paragraph (i) of this section for proportionate reduction in award for completion of less than 120 hr per month.

⁴Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible veteran whichever is the lesser. Enrollments before Jan. 1, 1973, will receive 100 pct of the established charges.

(38 U.S.C. 1677, 1682, 1786, 1787; Pub. L. 94-502, 90 Stat. 2383.)

(c) *Active duty.* The monthly rate for an individual who is pursuing a program of education while on active duty may not exceed the monthly rate of the cost of the course as specified in paragraph (b) of this section. For the

purpose of a course pursued under the provisions of § 21.4235(a)(1) "cost of the course" shall include the cost of books and supplies peculiar to the course which the institution requires similarly circumstanced nonveterans

enrolled in the same or a similar course to have. Where there is no same program, the cost of the course will be established by the Veterans Administration based on a report from the State approving agency showing the estimated cost for operation of the program and the anticipated enrollment. Subject to these limitations, the rate will be:

Measurement	Rates
Full time	\$292
¾ time	219
½ time	146
Less than ½, but more than ¼ time	146
¼ time or less	73

(38 U.S.C. 1682; Pub. L. 94-502, 90 Stat. 2383.)

(d) *June 1966.* A veteran who commenced a course prior to June 1, 1966, will not be paid for any part of the month of June 1966, unless his or her course continues through June 30, 1966. (Sec. 12(a), Pub. L. 89-358, 80 Stat. 28.)

(f) *Dependents.* The term "dependent" means a spouse, child or dependent parent who meets the definitions of relationship specified in §§ 3.50, 3.51, 3.57 and 3.59 of this chapter. A child adopted outside the veteran's family is included only if the veteran is contributing to the child's support.

(h) *Payment.* Educational assistance allowance at the rates specified in paragraphs (b) and (c) of this section for servicemen or servicewomen on active duty, other than those training under the Predischarge Education Program who qualify for an advance payment under paragraph (j) of this section and who are training on a less than half-time basis, will be paid to or on behalf of the trainee enrolled in an institution operating on a term, quarter or semester basis in a lump sum for the entire quarter, semester or term. These payments will be made during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at the institution.

(j) *Advance payment.* . . .

(2) *Payment.* Upon receipt of an application and if there is no evidence in

the veteran's, serviceman's, or servicewoman's file showing that he or she is not eligible for such an advance check for the allowance, made payable to the veteran, serviceman or servicewoman shall be mailed to the institution for delivery to the veteran, serviceman or servicewoman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his or her program. If delivery is not made within 30 days after commencement of the program, the institution shall return the check to the Veterans Administration. The Director of the regional office or Veterans Administration center of jurisdiction may direct that advance payments shall not be made to veterans and other eligible persons if the institution demonstrates an inability to comply with these requirements, if the institution fails to adequately provide for the safekeeping of the checks prior to delivery to the student or return to the Veterans Administration, or if he or she determines, based upon compelling evidence, that the institution demonstrates its inability to discharge its responsibilities under the advanced payment program.

(i) *Veterans.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Subsequent payments shall be made each month in accordance with provisions set out in § 21.4138, 21.4203, 21.4204, and 21.4205. Final payment may be withheld until certification is received that the veteran pursued his or her course and any necessary adjustments made.

(ii) *Servicemen and servicewomen on active duty.* The payment will be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. The application must be endorsed by the school to verify information needed to determine the lump-sum payment.

(iii) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran or eligible person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of 38 U.S.C. 1780(d) (5) (B) and (C) and (6) pertaining to receipt, delivery or return of advance checks and certifications of delivery and enrollment. Furthermore, all other payments made on or after that date shall be made only at the end of the month in which the training for which payment is made shall have occurred.

(iv) *Time of payment.* Advance payment will only be authorized at the be-

ginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made only at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. (See §§ 21.4137 and 21.4138.)

(k) *Mitigating circumstances.* Unless there are mitigating circumstances, benefits will not be paid to any veteran for a course from which the student withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation. Mitigating circumstances shall include but not be limited to:

(1) Continuous pursuit of the program of training is precluded because of illness of the veteran or other eligible person or because of illness or death in his or her immediate family.

(2) Unavoidable conditions arise in connection with the veteran's or eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or a change in the hours or conditions of employment.

(3) Immediate family or financial obligations beyond the control of the veteran or other eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(4) The course is being pursued by a student under subchapter V, ch. 34, title 38, United States Code, who fails to satisfactorily complete a course without fault.

(5) Discontinuance of a course by a school.

(6) Unanticipated active duty military service, including active duty for training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

44. In § 21.4137, paragraph (a) is revised and paragraphs (g)(4) and (5) and (h) are added so that the revised and added material reads as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. ch. 35

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates:

Type of courses	Monthly rate— effective Oct. 1, 1976
Institutional:	
Full time.....	\$292
¾ time.....	219
½ time.....	146
Less than ½ but more than ¼ time.....	146
¼ time or less.....	73
Cooperative, other than farm cooperative (full time only).....	235

Type of courses	Monthly rate— effective Oct. 1, 1976
Apprentice or on-job (full time only but see footnote below).	
Payment designated training assistance allowance:	
1st 6 mo.....	212
2d 6 mo.....	159
3d 6 mo.....	106
4th 6 mo and succeeding periods.....	53
Farm cooperative:	
Full time.....	35
¾ time.....	176
½ time.....	118
Correspondence:	
90 per centum of the established charge for number of lessons completed by eligible spouse or surviving spouse and serviced by the school ² minus allowance paid quarterly.	

¹ See footnote 5 of § 21.4270(h) for measurement of full time and paragraph (f) of this section for proportionate reduction in award for completion of less than 120 hours per month.

² Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible spouse or surviving spouse whichever is the lesser.

(38 U.S.C. 1682, 1732, 1786, 1787; Pub. L. 94-502, 90 Stat. 2383.)

(g) *Advance payment.* * * *

(4) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Federal Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran or eligible person is accepted or enrolled has agreed to, and can satisfactorily carry out the provisions of 38 U.S.C. 1780(d) (5) (B) and (C) and (6), pertaining to receipt, delivery or return of checks and certifications of delivery and enrollment. Furthermore, all other payments made on or after that date shall be made only at the end of the month in which the training for which payment is made shall have occurred.

(5) *Time of payment.* Advance payment will only be authorized at the beginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made only at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. See §§ 21.4136 and 21.4138.

(h) *Mitigating circumstances.* Unless there are mitigating circumstances, benefits will not be paid to any eligible person for a course from which the student withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation. Mitigating circumstances shall include but not be limited to:

(1) Continuous pursuit of the program of training is precluded because

of illness of the eligible person or because of illness or death in his or her immediate family.

(2) Unavoidable conditions arise in connection with the eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or a change in the hours or conditions of employment.

(3) Immediate family or financial obligations beyond the control of the eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(4) The course is being pursued by a student under subchapter V, chapter 35, or under section 1733, Title 38, United States Code, who fails to satisfactorily complete a course without fault.

(5) Discontinuance of a course by a school.

(6) Unanticipated active duty military service, including active duty for training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

45. Section 21.4138 is revised to read as follows:

§ 21.4138 Certifications and release of payments.

Educational assistance allowance will be paid to or on behalf of a veteran or eligible person under chapter 34 or 35 on the basis of the appropriate certification required in §§ 21.4136, 21.4137, 21.4203, 21.4204, and 21.4205 concerning enrollment in or the pursuit of a course during the reporting period.

(a) *Lump sum—in advance.* A certification by an institution that the eligible individual has enrolled will be sufficient to release a lump-sum payment to or on behalf of the individual for the entire quarter, semester or term no earlier than 30 days prior to the date the program of training is to begin, provided that the payment is made before June 1, 1977, and provided the individual is:

(1) A serviceman or servicewoman on active duty training on a half-time or greater basis, or

(2) A serviceman or servicewoman on active duty training in a Predischarge Education Program course, regardless of the training time.

(b) *Lump sum—in month following.* Such a certification by an institution will be sufficient to release the payment of a lump sum to or on behalf of the individual for the entire quarter, semester or term in the month following the receipt of the certification by the Veterans Administration, provided the individual is:

(1) A serviceman or servicewoman who is on active duty and who is training in a non-Predischarge Education Program course on a less than half-time basis,

(2) A veteran or other eligible person who is not on active duty and who is training on a less than half-time basis,

(3) An individual referred to in paragraph (a) of this section who is receiving payment after June 1, 1977, and who has not specifically requested an advance payment as provided in paragraph (d) of this section.

(c) *Payment released prior to June 1, 1977.* Such a certification by an institution will be sufficient to release the payment of educational assistance allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month, to a veteran or other eligible person who is not on active duty and who is training at a half-time or greater rate, provided the payment is made prior to June 1, 1977. Payment for months subsequent to those represented by the advance payment shall be made each month in advance of that month's training subject to submission of reports required from the school and student by §§ 21.4203, 21.4204, and 21.4205, but if the month for which such payment is made is subsequent to May 1977, the payment shall be made in the month immediately following the month in which the training occurs and is certified to the Veterans Administration.

(d) *Payment released subsequent to June 1, 1977.* On and after June 1, 1977, no advance payment will be made to any person who otherwise qualifies for one under either paragraph (a) or (c) of this section, unless the individual specifically requests an advance payment. On and after that date no individual shall be entitled to receive prepayment of benefits for training which occurs in months for which no advance payment is payable and no request for such a payment will be honored.

(e) *Payment for last month of training.* Payment for the last month of the enrollment period will not be released to an individual pursuing an institutional course not leading to a standard college degree until the Veterans Administration has received final certification as required by §§ 21.4203 and 21.4205.

(f) *Payment for intervals between terms.* A certification such as described by this section will result in payment for intervals between individual terms, quarters or semesters in accordance with the following rules:

(1) Payments will be made for such intervals during periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation, and such periods shall not be counted as absences for the purposes of § 21.4205.

(2) Payments will be made for intervals between consecutive school terms, quarters or semesters where the veter-

an or other eligible person transfers from one approved educational institution for the purpose of enrolling in and pursuing a similar course at the second institution, provided that the interval does not exceed 30 days. The days for which such a payment is made will count as absences for the purposes of § 21.4205. If the transfer is made to another school and the program in which the student will be enrolled at the second institution is different from that he or she was pursuing at the first school, no payment may be made for the interval.

(3) Payments will be made for periods between a semester, term, or quarter where the educational institution certifies the enrollment of the veteran or eligible person on an individual term, quarter or semester basis, if the interval does not exceed 1 full calendar month, except as provided in paragraph (f)(3) (i) through (iii) of this section. The days for which payment is made will count as absences for the purposes of § 21.4205.

(i) No payment will be made for an interval between terms, quarters or semesters, if the student is training at less than a half-time rate, or is on active duty, even if the interval does not exceed 1 full calendar month.

(ii) No payment will be made for an interval between terms, quarters or semesters, if the student requests, prior to authorization of an award or prior to negotiating the check, that no benefits be paid for the interval period.

(iii) No payment will be made for an interval between terms, semesters, or quarters, if the veteran or eligible person will exhaust his or her entitlement by receipt of such a payment and it is to the advantage of the individual not to receive payment. (38 U.S.C. 1780; Pub. L. 94-502, 90 Stat. 2383.)

CROSS REFERENCE.—Lump-sum payments. See §§ 21.4136(h) and 21.4137(e) Advance payments and prepayments. See §§ 21.4136(j) and 21.4137(g).

46. In § 21.4145, paragraph (a) is revised to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 34 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in the amount of \$625 will be paid. An advance payment of \$250 will be made for the first 100 hours agreed to be worked. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours. In the event the veteran ceases to be a full-time student

before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student. If the veteran terminates all training he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. (38 U.S.C. 1685; Pub. L. 94-502, 90 Stat. 2383)

47. Section 21.4146 is added to read as follows:

§ 21.4146 Assignments of benefits prohibited.

(a) *General.* Section 3101(a), title 38, United States Code, provides that payments of benefits due or to become due under the laws administered by the Veterans Administration shall not be assigned, except to the extent specifically authorized by law. No law specifically authorizes assignments of educational assistance allowances payable under chapters 34, 35 and 36, title 38, United States Code, and therefore none shall be made.

(b) *Designating an attorney-in-fact.* In any case where a payee of an educational assistance allowance has designated the address of an attorney-in-fact as the payee's address for the purpose of receiving his or her benefit check and has executed a power of attorney giving the attorney-in-fact authority to negotiate such benefit check, such action shall be deemed to be an assignment and is prohibited.

(c) *Arrangements amounting to an assignment.* Payments may be made to a post office box address or a bank address only if the educational institution attests that it has not entered into an assignment agreement with the student, and is not the attorney-in-fact of the student with power to negotiate an educational assistance check on behalf of the student and is not otherwise able to control the proceeds of the benefits check. Such statements shall be subject to review and when determined to be false, may be cause for creation of an overpayment to the account of the veteran or other eligible person, for which the educational institution may be liable under the provisions of § 21.4009.

(d) *Correspondence school addresses.* A request by a veteran or other eligi-

ble person to send the benefit check payable to him or her at an address which is an educational institution primarily engaged in correspondence course instruction will be presumed not to be the actual address of the veteran or other eligible person and will not be honored. Benefits checks will not be sent to the veteran or other eligible person in that event until a new address is provided designating the individual's mailing address.

(e) *Referral to Committee on Educational Allowances.* When the evidence of record indicates that an educational institution has violated the terms of this section, the matter will be referred to the field station Committee on Educational Allowances as provided in §§ 21.4207 and 21.4202(b)(4). (38 U.S.C. 3101(a); Pub. L. 94-502, 90 Stat. 2383)

48. In § 21.4153, paragraph (c)(3) is revised and (c)(4) is added so that the revised and added material reads as follows:

§ 21.4153 Reimbursement of expenses.

(c) *Reimbursable expenses.* ***

(3) *Administrative expenses.* An allowance for administrative expenses for which payment may be authorized will be determined in accordance with the formula contained in this subparagraph. Salary cost includes basic salary plus fringe benefits such as Social Security retirement, and health, accident or life insurance which is provided all similarly circumstanced State employees.

Total salary cost reimbursable	Allowable for administrative expense
\$5,000 or less.....	\$600.
Over \$5,000 but not exceeding \$10,000.....	\$1,080.
Over \$10,000 but not exceeding \$35,000.....	\$1,080 for the first \$10,000 plus \$1,000 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000.....	\$6,535.
Over \$40,000 but not exceeding \$75,000.....	\$6,535 for the first \$40,000 plus \$865 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000.....	\$12,960.
Over \$80,000.....	\$12,960 for the first \$80,000 plus \$755 for each additional \$5,000 or fraction thereof.

(4) *Subcontracts.* The State approving agency may also be reimbursed for work performed by a subcontractor provided:

(i) The work has a direct relationship to the requirements of chapters

32, 34, 35, or 36 of title 38, United States Code, and

(ii) The Director, Education and Rehabilitation Service has approved the subcontract in advance. (38 U.S.C. 1774; Pub. L. 94-502, 90 Stat. 2383.)

49. In § 21.4200, paragraph (e) is revised and paragraphs (h), (i), (j), (k) and (l) are added so that the added and revised material reads as follows:

§ 21.4200 Definitions.

(e) *Standard college degree.* The term means an associate or higher degree awarded by:

(1) An institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or

(2) An institution of higher learning that is a "candidate" for accreditation, as that term is used by the regional or the national accrediting agencies; or

(3) An institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. (38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

(h) *Institution of higher learning.* The term means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accrediting agency, or, it is a recognized candidate for accreditation as a degree-granting school by one of the national or regional accrediting associations and has been licensed or chartered by the appropriate State authority as a degree-granting institution. Such term shall include a hospital offering medical-dental internships or residencies approved in accordance with § 21.4265(a) without regard to whether the hospital grants a postsecondary degree. (38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

(i) *Audited course.* The term means any credit course which a student attends as a listener only with a prior understanding between school officials and the student that such attendance will not result in credit being granted toward graduation. See § 21.4252(i). (38 U.S.C. 1780(a)(3); Pub. L. 94-502, 90 Stat. 2383.)

(j) *Nonpunitive grade.* The term means any grade assigned for pursuit of a course, whether upon completion of the course or at the time of withdrawal from the course, which has the effect of excluding the course from any consideration in determining progress toward fulfillment of requirements for graduation. No credit toward the school's requirements for graduation is granted for such a grade, nor does the grade affect any other criteria for graduation by the policies of the school, such as a grade point average. Therefore, it has the same effect as an audited course. See § 21.4135(e). (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

(k) *Punitive grade.* The term means a grade assigned for pursuit of a course which is used in determining the student's overall progress toward completion of the school's requirements for graduation. Unlike the nonpunitive grade, the punitive grade does affect the criteria to be met by the student for graduation, i.e., it is a factor in computing the student's grade average or grade point average, for example. For this reason it is not the same as an audited course, since it does have an effect upon the student's ability to meet the school's criteria for graduation. See § 21.4135(e). (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

(l) *Drop-add period.* The term means a reasonably brief period at the beginning of a term, not to exceed 30 days, officially designated by a school for unrestricted enrollment changes by students. (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

50. Section 21.4201 is revised to read as follows:

§ 21.4201 Restrictions on enrollment; percentage of students receiving financial support.

(a) *General.* No enrollment in any course may be approved for an eligible veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, the Veterans Administration pursuant to title 38, United States Code, and/or the grants of any other Federal agency, except:

(1) This restriction shall not apply to any farm cooperative course, any course of Special Assistance for the Educationally Disadvantaged, offered pursuant to subchapter V, chapter 34, title 38, United States Code, or any approved course offered under contract with the Department of Defense which is on or immediately adjacent to a military base and which is available only to active-duty military personnel and their dependents and has been approved by the State approving agency

of the State where the base is located or the State of the parent school if the course is offered overseas.

(2) The restriction may be waived in whole or part.

(b) *Status of school.* The requirements of this section apply to courses offered by all educational institutions except those set out in paragraph (a)(1) of this section, regardless of whether the institution is degree-granting, proprietary profit, proprietary nonprofit, public and/or tax-supported.

(c) *Identification of affected courses.* An 85-15 percent ratio must be computed for each course of study or curriculum leading to a separate approved educational or vocational objective. Computations will not be made for unit subjects, unless only one unit subject is approved by the State approving agency to be offered at a separate branch or extension of a school. Courses or curricula which are offered at separately approved branches or extensions must have an 85-15 percent ratio computed separately from the same course offered at the parent institution. The count of students attending the branch may not be added to those attending the parent institution even for the same courses or curricula. However, the count of those attending courses or curricula offered at an additional facility, as opposed to a branch or extension, must be added to those attending the same course at the parent institution. Pursuit of a course or curriculum that varies in any way from a similar course, although it may have the same designation as the other similar course or curriculum, will require a separate 85-15 percent computation. A course or curriculum will be considered to vary from another if there are different attendance requirements, required unit subjects are different, required completion length is different, etc.

(1) Separate courses for computation purposes in institutions of higher learning will be determined by general curriculum only until the point at which it is reasonable to assume a major field would be declared and after that point by specific curriculum.

(i) In 2-year institutions of higher learning, general curricula such as AA (Associate of Arts) or AS (Associate of Science) degrees with no major specified, will require separate computations for each curriculum. Terminal 2-year courses (i.e., AAS (Associate of Applied Science), dental technology or auto mechanics certificate) and other associate degree courses where a field is specified must be computed separately for each objective.

(ii) Students attending 4-year institutions of higher learning and graduate schools may be counted in general curricula such as BA (Bachelor of Art)

and BS (Bachelor of Science) only until the normal point at which the school requires the student to declare a major subject. Then the 85-15 percent computation must be made for each specific curriculum, i.e. BS (Bachelor of Science) in electrical engineering, MA (Master of Arts) in English, etc.

(2) NCD (Noncollege degree) courses must be computed separately by approved vocational objective. If several curricula lead to the same coded vocational objective, each must meet the 85-15 percent requirement separately, unless it can be shown that two or more courses are identical in all respects (scheduling, hours devoted to each unit subject etc.). Branch or extension courses will be computed separately from courses at the main campus. Courses offered on a full- and part-time basis which are identical in length and content will be combined for computing the ratio.

(d) *Waivers by the Administrator.* The following waivers have been granted by the Administrator:

(1) Waive counting all graduate students in receipt of any Federal assistance (other than veterans Administration benefits) and any support from the institution. No specific application for this waiver is required from the school.

(2) Waive counting all undergraduate and noncollege degree students, receiving any assistance provided by an institution, if the institutional policy for determining the recipients of such aid is equal with respect to veterans and nonveterans alike. An application will not be required for this type of waiver.

(3) Waive counting students in receipt of all types of Federal assistance other than Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants. Specific examples of this type of waiver are benefits administered by the Social Security Administration, Federal grants supporting specific programs such as law enforcement (LEEP, Safe Cities Act grants), nursing, Government Employees' Training Act support and tuition aid paid by an armed service to active duty personnel. No specific application is required for this waiver.

(4) Waive counting students enrolled in all courses of flying clubs established, organized, and operated pursuant to regulations of a military department of the Armed Forces as "nonappropriated sundry fund activities" which are governmental instrumentalities.

(5) Waive application of the formula to courses open only to military personnel, their dependents, and civilian employees of a military installation, when the course is offered on or adjacent to the base, under contract with

the Department of Defense, and the branch or extension is approved by the State approving agency in the State where the military installation is located. In the case of foreign military installations, approval will be by the State approving agency in the State where the parent school is located. If the course is offered to other students, the 85-15 percent requirement must be met. A specific application will not be required for this waiver.

(e) *Waivers by field station Directors.* Field station Directors are delegated authority to grant waivers under the following conditions:

(1) Notwithstanding any type of waiver provided for in paragraphs (d) and (e) of this section, station Directors are authorized to waive 85-15 percent computations for institutions which certify that 35 percent or less of their enrollment receives Veterans Administration educational assistance (compute main campuses and branches separately). Such certifications must be provided to the Veterans Administration on a continuing basis in accordance with the time limits shown in paragraph (e)(2)(iii) of this section. Such waiver will not be granted for any course in which percentage of Veterans Administration-supported veterans enrolled exceeds 85 percent. Station Directors are responsible for taking forceful action to identify specific courses of study which may exceed 85 percent Veterans Administration-supported enrollment even if such courses are offered by schools having 35 percent or fewer veterans in the total school population. All station Directors will require full 85-15 percent ratio computations for courses with extraordinarily disproportionate Veterans Administration-supported enrollments, to show compliance with the law.

(2) Waive computation of the 85-15 percent ratio, as to undergraduate or noncollege students, in any course offered by an institution of highest learning or noncollege degree school if 35 percent or fewer of the students in the course receive Veterans Administration education benefits, and the percentage of Veterans Administration-supported students in the course plus the percentage of the school's total enrollment in all courses at all locations receiving Basic Educational Opportunity Grants or Supplementary Educational Opportunity Grants totals 85 percent or less. For example, if a school finds that 29 percent of the enrollees in an AA (Associate of Arts) in business degree curriculum receive Veterans Administration payments and 52 percent of the school's total enrollment receives Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants support, the total of the percentages (81 percent) qualifies that AA (Asso-

ciate of Arts) in business degree for a waiver of any further 85-15 percent ratio computation.

(i) Satisfactory compliance with the 85-15 percent requirements is assumed when the preceding conditions of paragraph (e)(2) of this section are fulfilled. If the total of the two percentages exceeds 85 percent, the ratio must be computed for that course with Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants recipients included in the 85 percent portion of the ratio.

(ii) When more than 35 percent of the students enrolled in a course receive Veterans Administration assistance, the ratio must be computed for that course with Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants recipients included in the 85 percent portion of the ratio unless waiver has been granted under paragraph (e)(1) of this section.

(iii) This count of Veterans Administration-supported students, school-supported students, and Basic Educational Opportunity Grants or Supplementary Educational Opportunity Grants recipients must be computed within 30 days of the beginning of each regular academic term (summer sessions excluded) for application to the next term for the purpose of waiving the computation of an 85-15 percent ratio for each affected course. For schools not operating on a term basis, counts as of the last day of the quarter must be completed within 30 days of the end of each calendar quarter (March, June, September, December). If this count is not submitted to the field station Director for a course which previously had its ratio computation waived, under paragraph (e)(1) or (2) of this section, a complete computation will be required before any new enrollment of eligible veterans may be processed for that course.

(3) Schools which offer courses not meeting the 85-15 percent requirement for any reason may apply to the appropriate station Director for a total waiver of the requirements except for Veterans Administration benefits. The school must state the specific basis of the total waiver request, show the computation of the ratio for the affected course, and submit sufficient information to allow the field station Director to judge the merits of the request against the criteria shown in paragraph (e)(3)(i) through (v) of this section. The Director should use all Veterans Administration sources as well as data and statements submitted by the school when considering a total waiver request in relation to these criteria:

(i) Availability of comparable alternative educational facilities effectively open to veterans in the vicinity of the school requesting a waiver.

(ii) Status of the school requesting a waiver as a developing institution primarily serving a disadvantaged population. The school should enclose a copy of the notification of developing status from the Office of Education, if applicable. Otherwise, the school should submit data sufficient to allow the field station Director to judge whether the school is similar to officially classified developing institutions according to the criteria and data categories published in Part 169, Subpart B, Title 45, Code of Federal Regulations. The requirements of those criteria that a school be a "public or non-profit" institution need not be met.

(iii) Previous compliance history of the school, including such factors as false or deceptive advertising complaints, enrollment certification timeliness and accuracy, and amount of school liability indebtedness to the Veterans Administration.

(iv) General effectiveness of the school's program in providing educational and employment opportunities to the particular veteran population it serves. Factors to be considered should include the percentage of veteran-students completing the first year of the course of study and completing the entire course, results of the 50 percent employment survey for vocational objective courses, ratio of educational and general expenditures to full-time equivalency enrollment, etc.

(v) Waivers will not be granted by the field station Director for courses in which the percentage of veterans enrolled exceeds 85 percent, except in courses offered by military aero clubs or in courses exempted by law in paragraph (a)(1) of this section. If more than 85 percent of the students in any other course are receiving benefits from the Veterans Administration and the school applied for a waiver, the field station Director will submit the matter with his or her recommendation to the Director, Education and Rehabilitation Service for a determination.

(4) All submissions required for limited waiver of 85-15 percent requirements under the criteria in paragraph (e)(3)(i) through (v) or otherwise under paragraph (e) of this section will be made by schools to Directors of the respective field stations of jurisdiction. If a school disagrees with a Director's determination concerning waiver, it may request that the application along with the Director's recommendation be forwarded to Central Office for administrative review.

(f) *Records of waivers.* All waivers of 85-15 percent requirements, whether limited or total and whether granted by a field station Director under the authority delegated to him or her by the Administrator or by a Central Office decision upon administrative review, will be made part of the school

folder and will be subject to annual review for continuation.

(g) *Countable assistance for 85-15 percent computations.* In conjunction with the waivers provided for in paragraphs (d) and (e) of this section, the following forms of assistance must be counted for determining compliance with 85-15 percent requirements unless computation is waived under paragraph (e)(1) of this section:

(1) Accredited graduate and advanced professional courses: Count only Veterans Administration assistance provided under chapters 31, 32, 34, and 35, except for courses offered on or adjacent to a military installation as explained in paragraphs (a)(1) of this section.

(2) All other courses:

(i) Count Veterans Administration assistance provided under chapters 31, 32, 34, and 35, except farm cooperative, assistance under subchapter V of chapter 34, and courses offered on or adjacent to a military base open to only active duty personnel and their dependents (and civilian employees of the base, if waived by the field station Director or Central Office upon administrative review).

(ii) Count Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants as Federal assistance, unless computation for a course is waived by the field station Director (see paragraph (e)(2) of this section) under authority delegated by Central Office.

(iii) Count all support offered by the institution, unless covered by Administrator's waiver under paragraph (d)(2) of this section or waived by the field station Director or Central Office.

(h) *Computation of 85-15 percent ratio.* To determine if the requirement has been met (except as provided in paragraph (e)(2) of this section) the number of students in a course who are not veterans, are not receiving a form of Federal or institutional aid (exclusive of waivers and statutory exemptions), or are receiving a form of aid but have been waived as provided in paragraph (d) or (e) of this section, will be compared to the total number of students enrolled in the course. If the non-Veterans Administration, non-supported students, and supported but waived students do not comprise at least 15 percent of the total enrollment, the 85-15 percent requirement has not been met for that course.

(1) If all students in a course are full-time trainees, the ratio is computed simply by dividing the sum of all non-Veterans Administration, non-supported and supported but waived students by the total number of students; e.g. 20 non-Veterans Administration, non-supported and waived students divided by 100 total students equals .20; the 15 percent requirement would be met in this case.

(2) Ratios which include less than full-time students may be computed by comparing full-time equivalent non-Veterans Administration, non-supported and waived students to the total number of full-time equivalent students. For example, assume that there are 100 students enrolled in a particular course of study; 75 are full-time students and 25 are half-time. The total full-time equivalency enrollment would be 75 plus 12.5 or 87.5. Similarly, if 20 non-Veterans Administration, non-supported or waived students are full-time trainees and five are half-time students, the non-Veterans Administration, non-supported or waived full-time equivalency would be 20 plus 2.5 or 22.5. The ratio is computed by dividing non-Veterans Administration, non-supported and waived equivalencies by total full-time equivalencies: 22.5 divided by 87.5 equals .26. In this example the 15 percent non-Veterans Administration requirement would be fulfilled.

(3) The 85-15 percent ratio for flight courses shall be computed by comparing the number of hours of training received by countable students in the preceding 30 days to the total number of hours of training received by all students in the same period. Hours of training:

(i) In the private pilot's course shall be excluded;

(ii) Considered for students enrolled in courses approved under Part 141, Title 14, Code of Federal Regulations (the Federal Aviation Administration Regulations) shall be actual hours of logged instructional flight time or charges; and

(iii) Considered for students enrolled in courses not approved under Part 141, Title 14, Code of Federal Regulations, such as in courses for navigator or flight engineer, shall include ground training time in addition to actual logged instructional flight time or charges.

(i) *Certifications of 85-15 percent compliance.* Results of the ratio computation for each affected course must be submitted to the appropriate field station no later than 30 days after the beginning of each regular school term (excluding summer sessions) or before the beginning date of the next term, whichever occurs first. Certification for courses not offered on a term basis must be received by the Veterans Administration no later than 30 days after the end of each calendar quarter.

(1) New enrollments of eligible veterans in a course will be processed by the Veterans Administration based on submission of the most recent available computation and satisfactory 85-15 percent ratio. However, no benefit will be paid for the term when the most recent computation establishes that the school does not have a satisfactory 85-15 percent ratio, except for

those enrollments which have a beginning date prior to or the same as the date the school completed this computation. If a school fails to submit a timely computation, no benefits will be paid for any enrollment with a beginning date subsequent to the end of the last period for which a satisfactory computation was in force until a satisfactory computation has been certified by the school. Further enrollments for the current or future terms may be processed once again only after the school submits a certification showing that the proper ratio has been reestablished. When a school shows a reestablished 85-15 percent ratio, each new veteran enrollment submitted after reestablishment must be individually computed into the ratio to ensure that the 85 percent limitation is not again immediately exceeded. Individual computations will be required until the end of the term for which the ratio was reestablished.

(2) No student will be counted more than one time in any computation of an 85-15 percent ratio. If a student receives both Veterans Administration or other countable benefits and a non-countable or waived type of benefit, that student must be included in the countable (85 percent) portion of the ratio.

(3) Once a student is properly enrolled in a course, either before December 1, 1976, or after November 30, 1976, in a course which meets the 85-15 percent requirement, such a student may not have benefits for that course terminated because the 85-15 percent requirement is subsequently not met, as long as the student's enrollment remains continuous. A student enrolled in an institution organized on a term basis need not attend summer sessions in order to maintain continuous enrollment. An enrollment may also be considered continuous if a "break" in enrollment is wholly due to circumstances beyond the student's control such as serious illness. (38 U.S.C. 1673(d); Pub. L. 94-502, 90 Stat. 2383)

51. In § 21.4202, paragraph (c) is revised to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

(c) *Restrictions; proprietary schools.* Enrollment will not be approved for any veteran or eligible person under the provisions of chapter 34 or 35 respectively, in any proprietary school of which the veteran or eligible person is an official authorized to sign certificates of enrollment or monthly certificates of attendance, an owner or an officer.

52. In § 21.4203, paragraphs (b)(1) and (c) are revised and paragraph (d) (3) is added so that the added and revised material reads as follows:

§ 21.4203 Reports by schools; requirements.

(b) Entrance or reentrance. * * *

(1) Schools organized on a term, quarter or semester basis shall generally report enrollment for the term, quarter, semester, ordinary school year or ordinary school year plus summer term. If a certification covers two or more terms, the school will report the dates for the break between terms if a term ends and the following term does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. Where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman, a separate enrollment certification will be required for each term, quarter, or semester.

(i) At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation.

(ii) Where a veteran or an eligible person, who is pursuing a course leading to a standard college degree, transfers between consecutive school terms from one approved institution to another approved institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of educational assistance allowance, be considered to be enrolled at the first institution during the interval, if the interval does not exceed 30 calendar days, following the termination date of the school term of the first institution. (38 U.S.C. 1780; Pub. L. 94-502, 90 Stat. 2383)

(c) Course changes. Any changes in the number of credit hours or the clock hours of attendance or instruction or any other modification in the course as certified at enrollment, including nonpunitive grades, must be reported promptly to the Veterans Administration. In institutions this reporting requirement will be satisfied if the official date of the change of status is reported in accordance with § 21.4253(d) or 21.4254(c)(7).

(d) Interruptions and terminations. When a veteran or eligible person interrupts or terminates his or her training for whatever reason, including unsatisfactory conduct or progress, this

fact must be reported promptly to the Veterans Administration.

(3) If the educational institution is making a report pursuant to this paragraph or paragraph (c) of this section, a statement of mitigating circumstances known to the educational institution, where appropriate, shall be included. Mitigating circumstances are relevant to changes in status which are withdrawals. They are also relevant to changes in status resulting from nonpunitive grades.

53. In § 21.4205, paragraph (c)(5) is added to read as follows:

§ 21.4205 Absences.

(c) Reporting. * * *

(5) Where a veteran or eligible person, who is pursuing a course not leading to a standard college degree, transfers between consecutive school terms within a school year from one approved institution to another institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of the educational assistance allowance, be considered to be enrolled at the first institution during the interval if the interval does not exceed 30 calendar days following the termination date of the school term of the first institution, but such periods shall be counted as absences for the purposes of this section. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

54. In § 21.4206, paragraph (a) is revised to read as follows:

§ 21.4206 Reporting fee.

(a) Except as provided in paragraph (b) of this section, the reporting fee will be computed for each calendar year by multiplying \$5 by the number of eligible veterans and eligible persons enrolled under chapter 34, chapter 35, or chapter 36 on October 31 of that year.

55. In § 21.4208, paragraph (a) is revised to read as follows:

§ 21.4208 Central Office Education and Training Review Panel.

(a) Purpose. The panel will receive evidence and hear the testimony of witnesses and the arguments of interested parties regarding matters considered by the field station Committee on Educational Allowances and make recommendations to the Director, Education and Rehabilitation Service, in connection with such matters which are before him or her for final administrative determination under § 21.4201, 21.4202, or 21.4207.

ommendations to the Director, Education and Rehabilitation Service, in connection with such matters which are before him or her for final administrative determination under § 21.4201, 21.4202, or 21.4207.

56. In § 21.4209, paragraphs (a), (b)(2), and (f) are revised and paragraph (b)(4), (5), (6), and (7) is added so that the added and revised material reads as follows:

§ 21.4209 Examination of records.

(a) Availability. Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under chapters 31, 32, 34, 35, or 36, title 38, United States Code, as well as the records of other students which are necessary to enable the Veterans Administration to ascertain institutional compliance with the requirements of these chapters, shall be available for examination by duly authorized representatives of the Government. (38 U.S.C. 1790; Pub. L. 94-502, 90 Stat. 2383.)

(b) Type of records. Each school will upon request of duly authorized representatives of the Government make available for examination all appropriate records and accounts, including but not limited to:

(2) Records of previous education or training of veterans and eligible persons at the time of admission as students and records of advance credit, if any, granted by the school at the time of admission.

(4) Records of all advertising, sales or enrollment materials as required by § 21.4252(h) and section 1796(b), title 38, United States Code.

(5) Records and computations showing compliance with the requirements of § 21.4201 regarding the 85-15 percent ratio of students for each course.

(6) Records necessary to demonstrate compliance with the requirements of § 21.4252(e) pertaining to the time necessary to complete a correspondence course.

(7) Records necessary to demonstrate compliance with the requirements of § 21.4252(g) pertaining to employment of graduates of the course.

(f) Retention of records. The records and accounts, including those pertaining to students not receiving benefits from the Veterans Administration, as described in this section, pertaining to each period of enrollment of a veteran

or eligible person, will be kept intact and in good condition at the school for at least 3 years following the termination of such enrollment period. Longer retention will not be required unless a written request is received from the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3-year period.

57. In § 21.4235, paragraph (a)(1) is revised and paragraph (j) is added so that the revised and added material reads as follows:

§ 21.4235 Predischage Education program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; Chapter 34.

9(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his or her previous educational experience;

(1) While he or she is on active duty and meets the eligibility requirements of § 21.1040(e)(3) and chapter 32, title 38, United States Code, if such course or courses (but not including correspondence courses) are required to receive a secondary school diploma, or if such course or courses (including individual unit subjects within a General Education Development (G.E.D.) examination program) are required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment; or

(j) *Enrollment restrictions.* After October 31, 1976, no person other than a member of the Armed Forces described in section 1631(b), title 38, United States Code, shall be permitted to enroll or reenroll in any course provided under the authority of subchapter VI, chapter 34, title 38, United States Code. See § 21.5040. (38 U.S.C. 1696(d); Pub. L. 94-502, 90 Stat. 2383.)

58. In § 21.4236, paragraphs (c) and (d) are revised to read as follows:

§ 21.4236 Special supplemental assistance (tutorial).

(c) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 or § 21.4137 the cost of such tutorial assistance in an amount not to exceed \$65 per month will be authorized.

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under § 21.1041 or the eligible person's

entitlement as computed under § 21.3044. Special supplemental assistance provided under this section will not exceed a maximum of \$780. (38 U.S.C. 1690, 1692, 1693; Pub. L. 94-502, 90 Stat. 2383.)

59. In § 21.4251, paragraphs (a) and (f) are revised to read as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

(1) Any course to be pursued in a public or other tax-supported educational institution including the flying clubs which are the subject of § 21.4201(d)(4);

(2) Any course which is similar in character to instruction previously offered by the school for more than 2 years;

(3) Any course which has been offered by a school for a period of more than 2 years, notwithstanding that the school has moved to another location within the same general locality, or where the school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership;

(4) Any course which is offered by a nonprofit school of college level and which is recognized for credit toward a standard college degree;

(5) Any course for the educationally disadvantaged or Predischage Education Program offered by a proprietary nonprofit educational institution, at the principal or branch location, when the institution offering the course has been in operation for more than 2 years; or

(6) Any course offered by an educational institution under a contract with the Department of Defense that (i) is given on, or immediately adjacent to, a military base, (ii) is available only to active duty military personnel and/or their dependents and (iii) has been approved by the State approving agency of the State in which the base is located or by the State approving agency in the State having jurisdiction over the educational institution offering the course when the course is a degree course being taught outside the United States. See paragraph (f) of this section for specific additional requirements as to branch location schools. A course is being given at a location immediately adjacent to a military base if the facilities are clearly neighboring to the base or are in close proximity to it and must be easily accessible to active duty personnel. The location must be under effective supervision of the base military authorities. (38

U.S.C. 1789(b); Pub. L. 94-502, 90 Stat. 2383.)

(f) *Subsidiary branch or extension.* Notwithstanding the provisions of paragraph (a)(1), (2), (3), or (4) of this section the 2-year period of operation requirement will apply to courses at subsidiary branches or extensions as provided in the following subparagraphs:

(1) This requirement will apply to any course offered by a branch or extension of a public or other tax-supported institution where the branch or extension is located outside of the area of the taxing jurisdiction providing support to such institution;

(2) This requirement will apply to any course offered by a branch or extension of a proprietary profit or proprietary nonprofit educational institution where the branch or extension is located beyond the normal commuting distance of such institution and to a proprietary profit educational institution, even if the branch or extension is located within commuting distance;

(3) Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the 2-year limitation if all of the following conditions are met:

(i) The school has been in operation for a period of 2 years or more;

(ii) The school has reached the limit of its enrollment capacity in its present facilities;

(iii) The courses to be offered at the additional facilities are the same as those given in the present facilities; and

(iv) The additional facilities are within normal commuting distance of the present facilities.

(4) The State approving agency shall not approve a course offered at a branch or extension, whether the course is or is not subject to the 2-year period of operation requirement, unless the school:

(i) Designates a named certifying official for each branch or extension,

(ii) Provides the branch or extension with administrative capability to furnish all reports and certifications to the Veterans Administration without the necessity of referring to the parent school's facilities,

(iii) Maintains at the branch or extension location records and files required for all Veterans Administration purposes for each student enrolled in the course, and

(iv) Has a local mailing address for each branch or extension location.

(5) A branch or extension, and additional facilities referred to in paragraph (f)(3) of this section are required to be within the same general locality from which the students of

the parent school are drawn. This distance may vary according to the unique geography of the area in which the parent school is located and the proximity and availability of other institutions offering similar courses. Ordinarily a location more than 55 miles (88.5 kilometers) from the parent school's campus will be considered to be beyond normal commuting distance. (38 U.S.C. 1789; Pub. L. 94-502, 90 Stat. 2383.)

60. In § 21.4252, paragraph (e), (f)(1), and (h) are revised and paragraphs (i) and (j) are added so that the added and revised material reads as follows:

§ 21.4252 Courses precluded.

(e) *Correspondence courses.* Enrollment in such courses will not be approved for eligible children under chapter 35. Nor shall any veteran or eligible spouse or surviving spouse be enrolled in a program of education exclusively by correspondence as authorized under section 1786, title 38, United States Code, and § 21.4256 or for the pursuit of a correspondence portion of a combination correspondence-residence course leading to a vocational objective as authorized under § 21.4279 if the normal period of time required to complete the correspondence course or portion of the course is less than 6 months in duration. The normal completion time will be considered to be 6 months or more if 80 percent or more of those completing the correspondence course over the past 2 years have required 6 months or more to complete all lessons. See §§ 21.4256 and 21.4279. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(f) *Courses on secondary level; chapter 35.* (1) A curriculum offered by a public or private school at the secondary school level leading to the completion of the eligible child's regular secondary school education, that is, leading to a high school diploma or its equivalent, may not be pursued as a program of education or as part of a course of education of an eligible child under chapter 35. An eligible spouse or surviving spouse may pursue secondary school courses only under the Special Assistance for the Educationally Disadvantaged program. See § 21.4237.

(h) *Erroneous, deceptive, misleading practices.* Enrollment will not be approved in any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission, or intimation. The services and facilities of the Federal

Trade Commission shall be utilized by the Veterans Administration, where appropriate, pursuant to an agreement to carry out investigations and to make determinations under this paragraph as provided by section 1796, title 38, United States Code. To ensure compliance with this section, any institution offering courses approved for the enrollment of veterans or eligible persons shall maintain a complete record of all advertising, sales, or enrollment materials (and copies of each) utilized by or on behalf of the institution during the preceding 12-month period. Such record shall be available for inspection by the State approving agency or the Veterans Administration. Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents or representatives of the educational institution. (38 U.S.C. 1796; Pub. L. 94-502, 90 Stat. 2383.)

(i) *Audited courses.* The school's certifications shall exclude courses which are being audited by the veteran or eligible person, since no educational assistance allowances shall be paid for such courses. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(j) *Nonpunitive graded courses.* The school shall report any course for which a nonpunitive grade is assigned and no payment shall be authorized for such a course. If payment has already been made, in whole or in part, by the Veterans Administration at the time the grade is assigned, an overpayment shall be created against the account of the student for such a course, unless the Veterans Administration determines there are mitigating circumstances. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

61. In § 21.4253, paragraph (d) is revised to read as follows:

§ 21.4253 Accredited courses.

(d) *School qualification.* A school desiring to enroll veterans or eligible persons in accredited courses will make application for approval of such courses to the State approving agency. The State approving agency may approve the application of the school when the school and its accredited courses are found to have met the following criteria and additional reasonable criteria established by the State approving agency:

(1) The institution has submitted to the State approving agency copies of its catalog or bulletin which is certified as true and correct in content and

policy by an authorized representative and the publication contains:

(i) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student), and

(ii) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.

(2) Adequate records are kept by the school to show the progress of each veteran or eligible person. The records must be sufficient to show continued pursuit at the rate for which enrolled and the progress being made. They must include final grade in each subject for each term, quarter, or semester; record of withdrawal from any subject to include the last date of attendance for a resident course; and record of reenrollment in subjects from which there was a withdrawal; and may include such records as attendance for resident courses, periodic grades and examination results.

(3) The school maintains a written record of previous education and training of the veteran or eligible person which clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately, and the person and the Veterans Administration so notified. The record must be cumulative in that the results of each enrollment period (term, quarter or semester) must be included so that it shows each subject undertaken and the final result, i.e., passed, failed, incomplete or withdrawn. (38 U.S.C. 1775(b).)

(4) The school enforces a policy relative to standards of conduct and progress required of the student. The school policy relative to standards of progress must be specific enough to determine the point in time when educational benefits should be discontinued, pursuant to 38 U.S.C. 1674 when the veteran or eligible person ceases to make Satisfactory progress. The policy must include the grade or grade point average that will be maintained if the student is to graduate. For example, a 4-year college may require a 1.5 grade point average the first year, a 1.75 average at mid-year the second year, and a cumulative average of 2.0 thereafter on the basis of 4.0 for an A.

(5) The school maintains adequate attendance records for veterans and

eligible persons enrolled in resident courses not leading to a standard college degree.

62. Section 21.4256 is revised to read as follows:

§ 21.4256 Correspondence courses.

(a) A school desiring to enroll veterans under chapter 34 and spouses or surviving spouses under chapter 35 for correspondence courses or courses of combined correspondence-residence may have such courses approved when the courses and the school meet the requirements of §§ 21.4252, 21.4253, or 21.4254, and 21.4279 as applicable, and when its application demonstrates that the course is satisfactory in all elements, including a certification as to the normal period of time required to complete the course and proof that the certification has been submitted to the Veterans Administration. Such a course must require not less than 6 hours of preparation per week over any 26-week period and must require 6 or more months to complete. No more than 20 percent of the students pursuing such a course should be able to complete the course in less than 6 months for the normal length to be certified as 6 months or more. The determination of this factor shall be based upon the records of the school for the two immediately preceding years. (38 U.S.C. 1780(a)(5); Pub. L. 94-502, 90 Stat. 2383.)

(1) The enrollment agreement shall disclose fully the obligations of the in-

stitution and the veteran, spouse or surviving spouse and shall display in a prominent place on the agreement the conditions for affirmance, termination, refund, and payment of the educational allowance by the Veterans Administration.

(2) A copy of the agreement shall be given to the veteran, spouse or surviving spouse when it is signed.

(3) The agreement shall not be effective unless the veteran, spouse or surviving spouse after the expiration of 10 days after the agreement is signed, shall have signed and submitted to the Veterans Administration a written statement, with a signed copy to the institution, specifically affirming the agreement.

(4) Upon notification of the institution by the veteran, spouse or surviving spouse of an intention not to affirm the agreement, any fees paid by the individual shall be returned promptly in full to him or her.

(5) Upon termination of the affirmed agreement for training in an accredited course by the veteran, spouse or surviving spouse, without having completed any lessons, a registration fee not in excess of 10 percent of the tuition for the course or \$50, whichever is lesser, may be charged him or her. When the agreement is terminated after completion of less than 25 percent of the lessons of the course, the institution may retain the registration fee plus 25 percent of the tuition for the course. When the agreement is terminated after 25 percent but less than 50 percent of the

lessons are completed, the institution may retain the registration fee plus 50 percent of the tuition for the course. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(6) Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the veteran, spouse or surviving spouse than the pro rata basis as provided in paragraph (a)(5) of this section, such established policy will be applicable.

(7) Any institution which fails to forward any refund due to the veteran, spouse or surviving spouse within 40 days after receipt of a notice of termination or disaffirmance, shall be deemed, prima facie, to have failed to make a prompt refund, as required by this section.

(b) Whenever the State approving agency approves a correspondence course for training of veterans under chapter 34 and eligible spouses and surviving spouses under chapter 35, it shall immediately notify the Veterans Administration, identifying the school, the course or courses approved, and the educational or vocational objective of each approved course.

63. Section 21.4270 is revised to read as follows:

§ 21.4270 Measurement of courses.

Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

COURSES		Full time	3/4 time	1/2 time	Less than 1/2 more than 1/4 time	1/4 time or less
Kind of school	Kind of course					
(a) Trade or technical - non-accredited (includes college courses not leading to a standard degree) ⁸	Shop practice an integral part of course	30 clock hours attendance with not more than 2-1/2 hours rest period allowance	22 through 29 clock hours attendance with not more than 2 hours rest period allowance	15 through 21 clock hours attendance with not more than 1-1/4 hours rest period allowance	8 through 14 clock hours attendance with not more than 3/4 hours rest period allowance	1 through 7 clock hours attendance
	Theory and class instruction predominates ¹	25 clock hours net instruction	18 through 24 clock hours net instruction	12 through 17 clock hours net instruction	7 through 11 clock hours net instruction	1 through 6 clock hours net instruction
(b) Trade or technical - accredited (includes college courses not leading to a standard degree) ⁹	Shop practice an integral part of course	27 clock hours attendance with not more than 2-1/2 hours rest period allowance	20 through 26 clock hours attendance with not more than 2 hours rest period allowance	13 through 19 clock hours attendance with not more than 1-1/4 hours rest period allowance	7 through 12 clock hours attendance with not more than 3/4 hours rest period allowance	1 through 6 clock hours attendance
	Theory and class instruction predominates ^{1,9}	22 clock hours net instruction	16 through 21 clock hours net instruction	11 through 15 clock hours net instruction	6 through 10 clock hours net instruction	1 through 6 clock hours net instruction
(c) High school	High school diploma or equivalent	25 clock hours net of instruction or 4 units per year or equivalent ²	18 through 24 clock hours net of instruction or 3 units per year or equivalent	12 through 17 clock hours net of instruction or 2 units per year or equivalent	7 through 11 clock hours net of instruction or 1 unit per year or equivalent	1 through 6 clock hours net of instruction
(d) Collegiate undergraduate	Standard collegiate courses including cooperative and external degree programs	14 semester hours or equivalent ³	10 through 13 semester hours or equivalent	7 through 9 semester hours or equivalent	4 through 6 semester hours or equivalent	1 through 3 semester hours or equivalent
(e) Collegiate graduate	Standard collegiate graduate courses including law and external degree programs	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school
(f) Professional (nonaccredited)	Law only ⁴	12 class sessions per week	9 through 11 class sessions per week	6 through 8 class sessions per week	4 through 5 class sessions per week	1 through 3 class sessions per week
(g) Professional (accredited and equivalent)	Internships and residencies; Medical, dental osteopathic	As established by accrediting association	Full time only			
	Nursing, X-ray, medical technology, medical records librarian, physical therapy	25 clock hours or 14 semester hours, as appropriate	18 through 24 clock hours or 10 through 13 semester hours, as appropriate	12 through 17 clock hours or 7 through 9 semester hours, as appropriate	7 through 11 clock hours or 4 through 6 semester hours, as appropriate	1 through 6 clock hours or less than 4 semester hours, as appropriate
(h) Training establishment	Apprentice or other on-the-job	Standard workweek	Full time only			
(i) Agricultural	Farm cooperative ⁵	10 clock hours net instruction ⁶	7 clock hours net instruction	5 clock hours net instruction	No provision	
(j) Elementary school	High school preparatory	25 clock hours net instruction	18 through 24 clock hours net instruction	12 through 17 clock hours net instruction	7 through 11 clock hours net instruction	1 through 6 clock hours net instruction

1. In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice and rest periods are excluded. Supervised instruction periods in school's shops in farm cooperative programs and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

2. Diploma course or equivalent based on completion of 16 instruction units. If student is pursuing course at rate which would result in an accredited high school diploma at end of 4 ordinary school years, he or she is considered in full-time training. High school diploma courses or equivalent available only for chapter 34 and eligible spouses and surviving spouses under chapter 35.

3. Cooperative courses may be pursued on full-time basis only.

Where the institution certifies that all undergraduate students enrolled for a minimum of 12 or 13 semester hours or the equivalent are (1) charged full-time tuition, or (2) considered full time for other administrative purposes, such minimum hours will establish the criteria for full-time measurement. The minimum for full time in either instance is 12 such hours. When 12 hours is properly certified as full time, 9 through 11 hours will be measured as 3/4 time, 6 through 8 hours will be measured as 1/2 time, 4 through 5 hours will be measured as less than 1/2 time and more than 1/4 time, and 1 through 3 hours will be measured as 1/4 time or less. All other undergraduate courses of less than full time will continue to be measured under paragraph (d) or (g) of this section as appropriate, but where 11 credit hours or the equivalent is certified as full time, 3/4 time will be 10 through 12 hours.

Upon request of a beneficiary, an increase in rates warranted under this criteria may be authorized to him or her effective March 26, 1970, if he or she was enrolled prior to that date and effective the date of enrollment if he or she was enrolled on or after March 26, 1970. The request of the beneficiary will not be required for other payments under this criteria.

To meet criteria for full-time measurement under 38 U.S.C. chapters 34 and 35 in standard collegiate courses which include required non-credit deficiency courses, in the absence of a certification under § 21.4272(f) the noncredit deficiency courses will be converted on the basis of the applicable measurement criteria; that is, 25 or 30 clock hours, 4 "Carnegie Units", or 12, 13 or 14 (as appropriate) semester hours equal full time. The credit-hour equivalent of such noncredit courses may constitute any portion of the required hours for full-time measurement.

4. Class sessions measured on basis of not less than 50 minutes of classroom instruction. Supervised study periods, class breaks and rest periods are excluded.

5. Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

6. For full-time training the 440 clock hours a year may be prescheduled to provide not less than 80 clock hours in any 3-month period.

7. Independent study programs will be measured as less than 1/2 time unless a major portion of the credit hours are by classroom/ laboratory attendance. (§21.4280)

8. An educational institution offering courses not leading to a standard college degree may measure such courses on a quarter or semester-hour basis with full time measured on the same basis as provided by paragraph (d) of this section provided: (1) the academic portions of such courses must require outside preparation and be measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit, (2) the laboratory portions of such courses must be measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit, (3) the shop portions of such courses must be measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall such courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full-time courses; 1-1/2 hours for 3/4 time courses of 16-21 clock hours; 1 hour for 1/2 time courses of 11-15 clock hours; or 1/2 hour for less than 1/2 time courses of 6-10 clock hours; no rest period shall be allowed for courses of less than 6 clock hours of attendance.

9. Supervised study must be excluded.

64. In § 21.4271, paragraph (c) is revised to read as follows:

§ 21.4271 Trade or technical; high schools

(c) *High schools.* Courses offered at the secondary school level which lead to a high school diploma or the equivalent will be measured on the basis of clock hours of instruction per week, or on the number of units required per year. Enrollment in courses at a secondary school level leading to a high school diploma or the equivalent will not be approved for eligible children under chapter 35. Eligible spouses and surviving spouses under chapter 35 may pursue such courses under the Special Assistance for the Educationally Disadvantaged program.

65. In § 21.4272, paragraphs (a), (b) and (f)(1) are revised to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

An undergraduate college level course in an institution of higher learning will be measured on a credit-hour basis provided all the conditions under paragraphs (a), (b), (c)(1) or (c)(2) of this section are met.

(a) *Degree courses; accredited or candidate.* The course is offered by a college or university and is accredited by a nationally recognized association for degree level programs or by one of the nationally recognized Regional Accrediting Associations or is offered by a college or university which is a "Candidate for Accreditation" by one of the nationally recognized Regional Accrediting Associations or one of the other nationally recognized accrediting associations.

(1) The course is offered on a semester- or quarter-hour basis, and

(2) The course leads to an associate, baccalaureate, or higher degree which is granted by the school offering the course.

(b) *Degree courses; nonaccredited.* The course is not accredited at a college degree level by a recognized accrediting association and is offered by a college or university which is not accredited for a recognized candidate for accreditation by one of the nationally recognized Regional Accrediting Associations or by one of the other nationally recognized accrediting associations.

(1) The course is offered on a semester- or quarter-hour basis, and

(2) The course leads to an associate, baccalaureate, or higher degree, which is granted by the school offering the degree under authority specifically conferred by a State education agency, and

(3) The school will furnish a letter from a State university or letters from three schools that are full members of

a nationally recognized accrediting association certifying that credits have been accepted on transfer at full value without reservations, in partial fulfillment of the requirements for a baccalaureate or higher degree for at least three students within the last 5 years, and at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, shall have been so accepted by the certifying State university or each of the three accredited schools.

(f) *Noncredit courses.*—(1) *Measurement.* Except for courses leading to a high school diploma or the equivalent, noncredit courses given by an institution of higher learning shall be measured on a quarter- or semester-hour basis if considered by the institution to be the equivalent, for other administrative purposes, of undergraduate courses that lead to a standard college degree at the school. Other noncredit courses shall be measured under § 21.4270(a), (b), (c) or (j) as appropriate. Where the school requires the veteran or eligible person to pursue noncredit deficiency, remedial or refresher courses in order to meet certain scholastic or entrance requirements, the school will certify the credit-hour equivalent of such noncredit deficiency, remedial or refresher courses in addition to the credit hours for which the veteran or eligible person is enrolled. The course will be measured on the total credit hour and the credit-hour equivalency.

66. In § 21.4277, paragraph (a) is revised to read as follows:

§ 21.4277 Discontinuance; unsatisfactory progress and conduct.

(a) *Satisfactory pursuit of program.* Entitlement to benefits for a program of education is subject to the requirement that the veteran or eligible person, having commenced the pursuit of such program, continues to maintain satisfactory progress. If the veteran or eligible person does not maintain satisfactory progress, educational benefits will be discontinued by the Veterans Administration. Progress is unsatisfactory if:

(1) The veteran or eligible person does not satisfactorily progress according to the regularly prescribed standards and practices of the institution he or she is attending, or

(2) The veteran or eligible person is not progressing at a rate that will permit him or her to graduate within the approved length of the course based on the training time as certified to the Veterans Administration by the educational institution, notwithstanding the school's policy, unless mitigat-

ing circumstances are found. A veteran or eligible person enrolled on a credit-hour basis must be reported for unsatisfactory progress when he or she receives punitive grades that are unsatisfactory grades for graduation requirements, equivalent to more than the minimum number of credit hours considered by the school to be a full-time training load. For example, if the student considers 12 credit hours to be full time, when the student accumulates unsatisfactory grades for 13 credit hours or more, the school must report unsatisfactory progress. A veteran or eligible person enrolled in a course not measured in credit hours at a school operated on a term basis must be reported by the school for unsatisfactory progress, when the school first determines that the veteran or person must repeat the equivalent of more than one term at the full-time rate to graduate. In all other cases unsatisfactory progress must be reported by the school when the school or training establishment determines that an extension will be required beyond the approved length of the course or training program. See § 21.4253. Mitigating circumstances include, but are not limited to:

(i) Continuous pursuit of the program of training is precluded because of illness of the veteran or eligible person or because of illness or death in his or her immediate family.

(ii) Unavoidable conditions arise in connection with the veteran's or eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or change in the hours or conditions of employment.

(iii) Immediate family or financial obligations beyond the control of the veteran or eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(iv) The course is being pursued by a student under subchapter V of chapter 34 or section 1733 of chapter 35, title 38, United States Code, who fails to satisfactorily complete a course without fault.

(v) The course is discontinued by the school.

(vi) The veteran is required to perform unanticipated active duty military service, including active duty for training.

67. In § 21.4279, paragraph (a)(4) is added and paragraph (b) is revised so that the added and revised material reads as follows:

§ 21.4279 Combination correspondence-residence program.

(a) A program of education may be pursued partly in residence and partly

by correspondence for the attainment of a predetermined and identified objective under the following conditions:

(4) The school has certified to the Veterans Administration that all requirements of law have been met, including that portion of section 1780(a), title 38, United States Code, and § 21.4256 requiring the school to certify that the correspondence portion of a course leading to a vocational objective requires 6 months or more for completion. See § 21.4252(e). (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(b) The rate of educational assistance allowance payable shall be computed as set forth in §§ 21.4270 and 21.4136(a).

(1) The charges for that portion of the program pursued exclusively by correspondence will be in accordance with § 21.4136(a) with 1 month of entitlement charged for each \$292 of cost reimbursed.

(2) The charges for the residence portion of the program must be separate from those for the correspondence portion.

68. In § 21.4280, paragraphs (a)(1) and (2), (b) and (c) are revised to read as follows:

21.4380 Independent study leading to a standard college degree.

(a) An eligible veteran or person may receive an educational assistance allowance for pursuit of an independent study course under the following conditions:

(1) The course is offered by a college or university;

(2) The course leads to or is fully creditable toward a standard college degree;

(b) The independent study program shall be measured as less than one-half time training as follows:

(1) If the college or university evaluates the course in semester or quarter hours of credit and prescribes a period for completion, the course shall be measured as less than one-half but more than one-quarter time when the semester hours per semester, or equivalent, are 4 or more and measured as one-quarter time or less for 1 through 3 semester hours per semester, or equivalent.

(2) If the college or university does not evaluate the independent study program in standard semester or quarter hours or the equivalent, the independent study program shall be mea-

sured as less than one-half but more than one-quarter time training.

(c) An eligible veteran or person who is pursuing an independent study program shall be paid an educational assistance allowance based on the training time determined in paragraph (b) of this section at the institutional rate prescribed in § 21.4136(a). If independent study subjects and subjects requiring class attendance are pursued concurrently and both are measured on a credit-hour basis, the allowable rate shall be determined on the basis of the combined training load provided a major portion of the hours are by class attendance. When a major portion of the course is not by class attendance, the appropriate rate for each part shall be determined and the combined rate paid, but not to exceed the regular residence rate for the combined training load. When measurement is different (i.e., class attendance on credit-hour basis and independent study under paragraph (b)(2) of this section), the appropriate rate for each part shall be determined and the combined rates paid, but not to exceed the full-time institutional allowance rate. (38 U.S.C. 1682(e) and 1732(c).)

69. In § 21.4503, paragraph (b)(2) and (4) is revised to read as follows:

§ 21.4503 Determination of loan amount.

(b) *Amount.* A loan shall be authorized in the amount of the excess of cost over available resources as determined in paragraph (a) of this section subject to the following limitations:

(2) The aggregate of the amounts any veteran or other eligible person may borrow for an education loan may not exceed the amount obtained by multiplying \$292 times the number of months of educational assistance allowance to which the veteran or other eligible person is entitled under section 1661 or subchapter II of chapter 35, title 38, United States Code on the date that training commences during the period for which the loan is sought, but in no event more than \$1,500 in any one academic year.

(4) If the loan period is for more than one term, quarter, or semester in the case of students pursuing a course leading to a standard college degree, or for more than 6 months in the case of students pursuing a course not leading to a standard college degree, the following maximum amounts shall be

paid on the loan at the beginning of such term:

- (i) \$1,500 for an academic year.
- (ii) \$2,000 for an academic year and following summer term.
- (iii) \$1,000 for a quarter and following summer term.
- (iv) \$1,250 for a semester and following summer term.
- (v) \$750 for any semester.
- (vi) \$500 for any term of 10 weeks or more leading to a standard college degree which is not part of the normal academic year or for a quarter.
- (vii) \$1,000 for a course not leading to a standard college degree 6 through 8 months in length.
- (viii) \$1,500 for a course not leading to a standard college degree 9 through 11 months in length.
- (ix) \$2,000 for a course not leading to a standard college degree 12 months in length.

70. In § 21.4504, paragraph (b) is revised to read as follows:

§ 21.4504 Promissory note.

(b) *Interest.* The promissory note shall advise the student that the loan shall bear interest on the unpaid balance of the loan at a rate comparable to, but not in excess of, the rate of interest charged students at such time on loans insured by the Commissioner of Education, Department of Health, Education, and Welfare, under part B of title IV of the Higher Education Act of 1965. The rate shall be determined as of the date the agreement is executed and shall be a fixed amount. (38 U.S.C. 1798; Pub. L. 94-502, 90 Stat. 2383.)

71. In § 21.4505, paragraph (b) is revised to read as follows:

§ 21.4505 Advertising.

(b) *Form.* The statement which is permitted shall be as follows: Certain eligible veterans and other eligible persons may qualify for a maximum educational loan of \$1,500 per academic year from the Veterans Administration depending upon need. Applications for such loans shall be made to the Veterans Administration on forms prescribed by it.

[FR Doc. 78-3869 Filed 2-14-78; 8:45 am]

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into approximately three columns.]

Rescissions and
Deferrals

WEDNESDAY, FEBRUARY 15, 1978
PART III



**OFFICE OF
MANAGEMENT
AND BUDGET**



**RESCISSIONS AND
DEFERRALS**

Cumulative Report for
February 1978

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report for February 1978

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of February 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of fiscal year 1977 and four rescissions and 56 deferrals contained in the first five special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, Oc-

tober 3, November 10, December 15, 1977, and January 27, 1978.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Three rescissions totalling \$55.3 million in 1978 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1978, while attachment A shows the history and status of each rescission proposed for fiscal year 1978. Also included are four rescission proposals totalling \$643.4 million made in fiscal year 1977 but carried into fiscal year 1978 and a single fiscal year 1978 rescission for \$2.7 million which has been reclassified as a deferral.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of February 1, 1978, \$4,574.8 million in 1978 budget authority was being deferred from obligation and another \$1.7 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of de-

ferred reported by the President, and attachment B shows the history and status of each deferral reported during fiscal year 1978.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Friday, July 22, 1977 (Vol. 42, No. 141, Part V) (both the fourteenth and fifteenth 1977 special messages)

Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII) (seventeenth 1977 special message)

Thursday, September 29, 1977 (Vol. 42, No. 189, Part IX)

Friday, October 7, 1977 (Vol. 42, No. 195, Part IV)

Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV)

Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV)

Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII)

JAMES T. MCINTYRE, Jr.,
Acting Director.

TABLE A

STATUS OF 1978 RESCISSION PROPOSALS

Amount (In millions of dollars)*	
\$01.3	1/
-2.7	2/
-75.0	3/
-568.4	4/
55.3	5/

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of February 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of FY 1977 and four rescissions and 56 deferrals contained in the first five special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, October 3, November 10, December 15, 1977, and January 27, 1978.

Rescissions (Table A and Attachment A)

Three rescissions totalling \$55.3 million in 1978 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1978, while Attachment A shows the history and status of each rescission proposed for FY 1978. Also included are four rescission proposals totalling \$643.4 million made in FY 1977 but carried into FY 1978 and a single FY 1978 rescission for \$2.7 million which has been reclassified as a deferral.

Deferrals (Table B and Attachment B)

As of February 1, 1978, \$4,574.8 million in 1978 budget authority was being deferred from obligation and another \$1.7 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during FY 1978.

Information from Special Messages

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:

- Friday, July 22, 1977 (Vol. 42, No. 141, Part V)
(both the fourteenth and fifteenth 1977 special messages)
- Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII)
(seventeenth 1977 special message)
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- Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV)
- Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV)
- Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII)

Attachments

NOTICES

TABLE B

STATUS OF 1978 DEFERRALS

Amount (In millions of dollars)	
\$4,764.8	1/
-149.5	2/
-38.8	3/
4,576.5	4/

1/ Includes \$1.7 million in outlays in a Treasury deferral, D78-28A.

NOTICES

STATUS OF RESCISSIONS

ATTACHMENT A

FISCAL YEAR 1978
(Amounts in thousands of dollars)

As of February 1, 1978

Agency/Bureau/Account	Rescission Number	Amount Proposed		Date Special Message Transmitted to Congress	Amount Rescinded	Amount Made Available	Date Made Available
		Previously Considered by the Congress	Currently Before the Congress				
<u>Funds Appropriated to the President</u>							
International Security Assistance:							
Military assistance.	R78-2		40,200	01-27-78			
<u>Department of Defense - Military</u>							
Aircraft procurement,							
Air Force.....	R77-18	462,000	1/	07-10-77	1/	462,000	10-05-77
Missile procurement,							
Air Force.....	R77-19	1,400	1/	07-19-77	1/	1,400	10-05-77
Missile procurement,							
Air Force.....	R77-20	105,000		07-26-77		105,000	10-14-77
<u>Department of Justice</u>							
Law Enforcement Assistance							
Administration:							
Salaries and expenses.....	R78-1 2/3/	2,668	2/	09-23-77	2/		2/
<u>Department of State</u>							
Contributions for international peacekeeping activities.....	R78-3		5,000	01-27-78			
<u>General Services Administration:</u>							
Federal Buildings Fund.....	R77-17	75,000		07-19-77	75,000 4/		
<u>Federal Home Loan Bank Board</u>							
Federal Home Loan Bank Board Revolving fund.....	R78-4		10,055	01-27-78			
TOTAL:.....		646,068 5/	55,255		75,000	568,400	

1/ On January 1, 1978, proposals to rescind these funds were included in the Senate-passed version of H.R. 9375, the Supplemental Appropriations Act, 1978.

2/ This rescission proposal was transmitted in conjunction with a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. This rescission proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final Congressional action on the transfer request.

3/ An opinion issued by the Comptroller General on October 28, 1977, holds that this proposal should have been classified as a deferral.

4/ Public Law 95-186.

5/ Of this amount \$643,400,000 was proposed for rescission in FY 1977.

STATUS OF DEFERRALS
FISCAL YEAR 1978

ATTACHMENT C

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
AGENCY: FUNDS APPROPRIATED TO THE PRESIDENT								
<u>International Security Assistance</u>								
Military assistance...	D78-47	131,200		12-15-77				131,200
International military education and training.....	D78-48	2,000		12-15-77				2,000
Foreign military credit sales.....	D78-49	673,250		12-15-77	-10,870			662,380
Emergency refugee and migration assistance fund.....	D78-43 D78-43A	2,000	5,800	11-10-77 12-15-77				7,800
TOTAL:		808,450	5,800		-10,870			803,380

AGENCY: DEPARTMENT OF AGRICULTURE								
<u>Foreign Agricultural Service</u>								
Salaries and expenses (special foreign currency program)...	D78-1 D78-1A	988	52	10-03-77 01-27-78				1,040
<u>Agricultural Stabilization and Conservation Service</u>								
Commodity credit corporation.....	D78-2	2,871		10-03-77	-2,871			0
<u>Forest Service</u>								
Permanent appropriations, Expenses, brush disposal.....	D78-3	31,312		10-03-77				31,312
Permanent appropriations, Licensee programs.....	D78-4	141		10-03-77				141
TOTAL:		35,312	52		-2,871			32,493

AGENCY: DEPARTMENT OF COMMERCE								
<u>Economic Development Administration</u>								
Local public works program.....	D78-5	4,000		10-03-77				4,000
Financial and technical assistance.....	D78-6	3,900		10-03-77				3,900
Economic development revolving fund.....	D78-51	123,647		01-27-78				123,647
<u>National Oceanic and Atmospheric Administration</u>								
Operations, research, and facilities.....	D78-7	3,750		10-03-77	-3,750			0
Promote and develop fishery products and research pertaining to American fisheries...	D78-8 D78-8A	5,429	639	10-03-77 01-27-78				6,068
Fisheries loan fund...	D78-9	6,177		10-03-77	-723			5,454
Fishermen's guaranty fund.....	D78-10	716		10-03-77	-38			678
TOTAL:		147,619	639		-4,511			143,747

NOTICES

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
		Original Request	Subsequent Change					
AGENCY: DEPARTMENT OF DEFENSE-MILITARY								
Shipbuilding and conversion, Navy.....	D78-44	871,125		11-10-77				871,125
Military construction, all services.....	D78-11	438,439		10-03-77	-37,147			401,292
TOTAL:		1,309,564			-37,147			1,272,417

AGENCY: DEPARTMENT OF DEFENSE-CIVIL

The Panama Canal Canal Zone Government: Capital outlay.....	D78-52	309		01-27-78				309
Miscellaneous accounts Wildlife conservation, etc. military reservations.....	D78-12	458		10-03-77	-12			446
TOTAL:		767			-12			755

AGENCY: DEPARTMENT OF ENERGY 1/

Energy (Plenum Fill experiment).....	D78-31 D78-31A	1,500	800 2/	10-03-77 11-10-77				2,300
Energy (Clean boiler fuel from coal project).....	D78-32 D78-32A	46,660	2/	10-03-77 11-10-77				46,660
Energy (Molten salt breeder reactor project).....	D78-36 D78-36A	1,500	2/	10-03-77 11-10-77				1,500
Energy (10 MW Central receiver solar thermal power plant)...	D78-45	31,000		11-10-77				31,000
TOTAL:		80,660	800					81,460

1/ See also Energy Research and Development Administration.

2/ The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.

AGENCY: DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D78-53	3,497		01-27-78				3,497
Office of Education Higher education.....	D78-13	3,740		10-03-77				3,740
Social Security Administration Limitation on salaries and expenses.....	D78-14 D78-14A	13,865	1/	10-03-77 01-27-78				13,865
TOTAL:		21,102						21,102

1/ The supplementary report changed the budget account title under which this deferral had been previously reported from the Limitation on construction to the Limitation on salaries and expenses account.

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
AGENCY: DEPARTMENT OF THE INTERIOR								
<u>Bureau of Land Management</u> Oregon and California grant lands.	D78-15	31,200		10-03-77				31,200
<u>Bureau of Outdoor Recreation</u> Land and water conservation fund.....	D78-16	30,000		10-03-77				30,000
<u>Geological Survey</u> Payment from proceeds, sale of water.....	D78-17	34		10-03-77				34
<u>Bureau of Mines</u> Miscellaneous appropriations Drainage of anthracite mines.....	D78-18	3,500		10-03-77				3,500
<u>Office of Territorial Affairs</u> Trust territory of the Pacific Islands.....	D78-19	12,000		10-03-77				12,000
TOTAL:		76,734						76,734

AGENCY: DEPARTMENT OF JUSTICE								
<u>Federal Prison System</u> Buildings and facilities.....	D78-20	42,245		10-03-77				42,245
<u>Law Enforcement</u> Assistance Administration Salaries and expenses.....	D78-54	2,668		01-27-78				2,668
TOTAL:		44,913						44,913

AGENCY: DEPARTMENT OF LABOR								
<u>Employment and Training Administration</u> Advances to the unemployment trust fund and other funds.....	D78-55	1,380,114		01-27-78				1,380,114
TOTAL:		1,380,114						1,380,114

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
AGENCY: DEPARTMENT OF TRANSPORTATION								
<u>Coast Guard</u> Acquisition, construction, and improvements.....	D78-21	13,031		10-03-77	-13,031	1/		0
<u>Federal Aviation Administration</u> Construction, Metropolitan Washington Airports..	D78-22	1,010		10-03-77				1,010
Civil Supersonic aircraft development termination.....	D78-23 D78-23A	134	14	10-03-77 01-27-78				148
Facilities and equipment (Airport and airway trust fund)	D78-24	320,650		10-03-77	-68,487			252,163
<u>Federal Highway Administration</u> Trust fund share of other highway programs.....	D78-25	74,880		10-03-77				74,880
TOTAL:		409,705	14		-81,518			328,201

1/ Impoundment resolution, S. Res. 282, passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 31, 1977.

AGENCY: DEPARTMENT OF THE TREASURY

<u>Office of the Secretary</u> Antirecession financial assistance fund.....	D78-26 D78-26A D78-26B D78-26C	8,184	2,425 100 439	10-03-77 11-10-77 12-15-77 01-27-78		-8,885		2,263
Antirecession financial assistance fund.....	D78-50	3,406 1/		12-15-77	-3,406 1/			0
State and local government fiscal assistance fund.....	D78-27 D78-27A D78-27B D78-27C	45,996	23,905 11,831 729	10-03-77 11-10-77 12-15-77 01-27-78		-300		82,161
State and local government fiscal assistance fund.....	D78-28 D78-28A	391 1/	1,320 1/ 2/	10-03-77 12-15-77				1,711 1/
<u>Bureau of the Mint</u> Construction of mint facilities.....	D78-29	5,730		10-03-77				5,730
TOTAL: BA		59,910	39,429		-9,185			90,154
O		3,797	1,320		-3,406			1,711

1/ Outlays only.

2/ This amount is net of a release of \$40,000 that was made prior to the transmittal of the supplementary report.

STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
		Original Request	Subsequent Change					
AGENCY: ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION 1/								
Operating expenses (Gas cooled reactors)...	D78-30	15,000		10-03-77		-15,000 2/		0
Plant and capital equipment (Fusion material test facility).....	D78-33	7,500		10-03-77		-7,500 3/		0
Plant and capital equipment (Intense neutron source facility).....	D78-34	11,300		10-03-77		-11,300 4/		0
Plant and capital equipment (Intersecting storage ring accelerator).....	D78-35	5,000		10-03-77		-5,000 5/		0
TOTAL:		38,800				-38,800		0
1/ See also Department of Energy.								
2/ Impoundment resolution H. Res. 851 passed the House on November 2, 1977, rejecting this deferral.								
3/ Impoundment resolution H. Res. 852 passed the House on November 2, 1977, rejecting this deferral.								
4/ Impoundment resolution H. Res. 853 passed the House on November 2, 1977, rejecting this deferral.								
5/ Impoundment resolution H. Res. 854 passed the House on November 2, 1977, rejecting this deferral.								

AGENCY: GENERAL SERVICES ADMINISTRATION								
Rare silver dollar program.....	D78-37	1,710		10-03-77				1,710
<u>Federal Preparedness</u>								
Agency State and local preparedness.....	D78-38	80		10-03-77				80
TOTAL:		1,790						1,790

AGENCY: OTHER INDEPENDENT AGENCIES								
<u>Foreign Claims</u>								
Settlement Commission Payment of Vietnam prisoner of war claims.....	D78-39	10,738		10-03-77				10,738
<u>Interstate</u>								
Commerce Commission Payment of directed rail service.....	D78-40	13,700		10-03-77				13,700
<u>National Science</u>								
Foundation Research, and related activities..	D78-46	4,500		11-10-77				4,500
	D78-56	6,900		01-27-78				6,900
<u>United States</u>								
Information Agency Salaries and expenses (special foreign currency program)..	D78-41 D78-41A	1,153	500	10-03-77 01-27-78				1,653
<u>United States</u>								
Railway Association Payment for purchase of Conrail securities..	D78-42	260,000		10-03-77				260,000
TOTAL:		296,991	500					297,491
TOTAL: ALL DEFERRALS	BA O	4,712,431 3,797	47,234 1,320		-146,114 -3,406	-38,800		4,574,751 1,711

[FR Doc. 78-4275 Filed 2-13-78; 2:45 pm]

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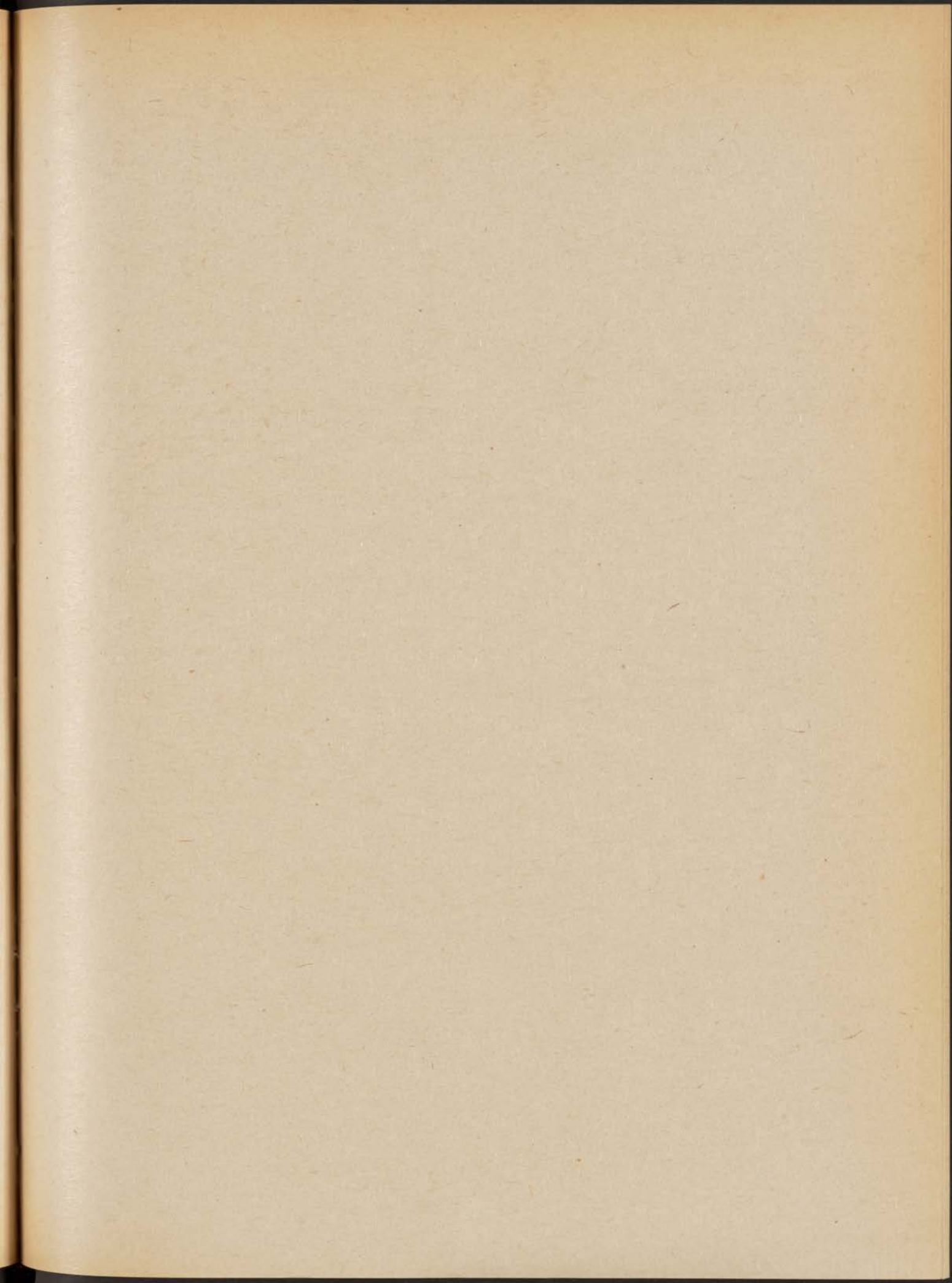
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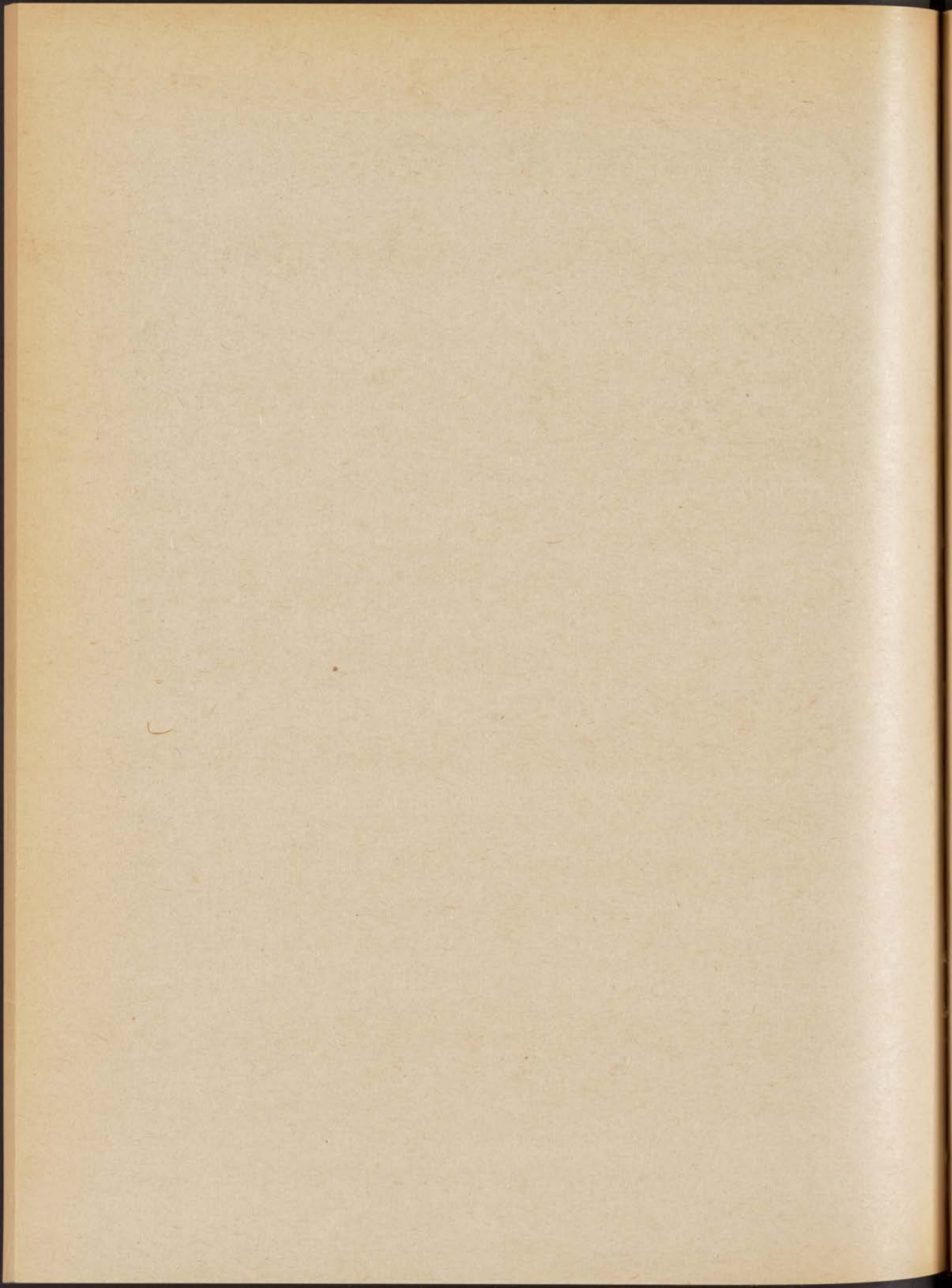
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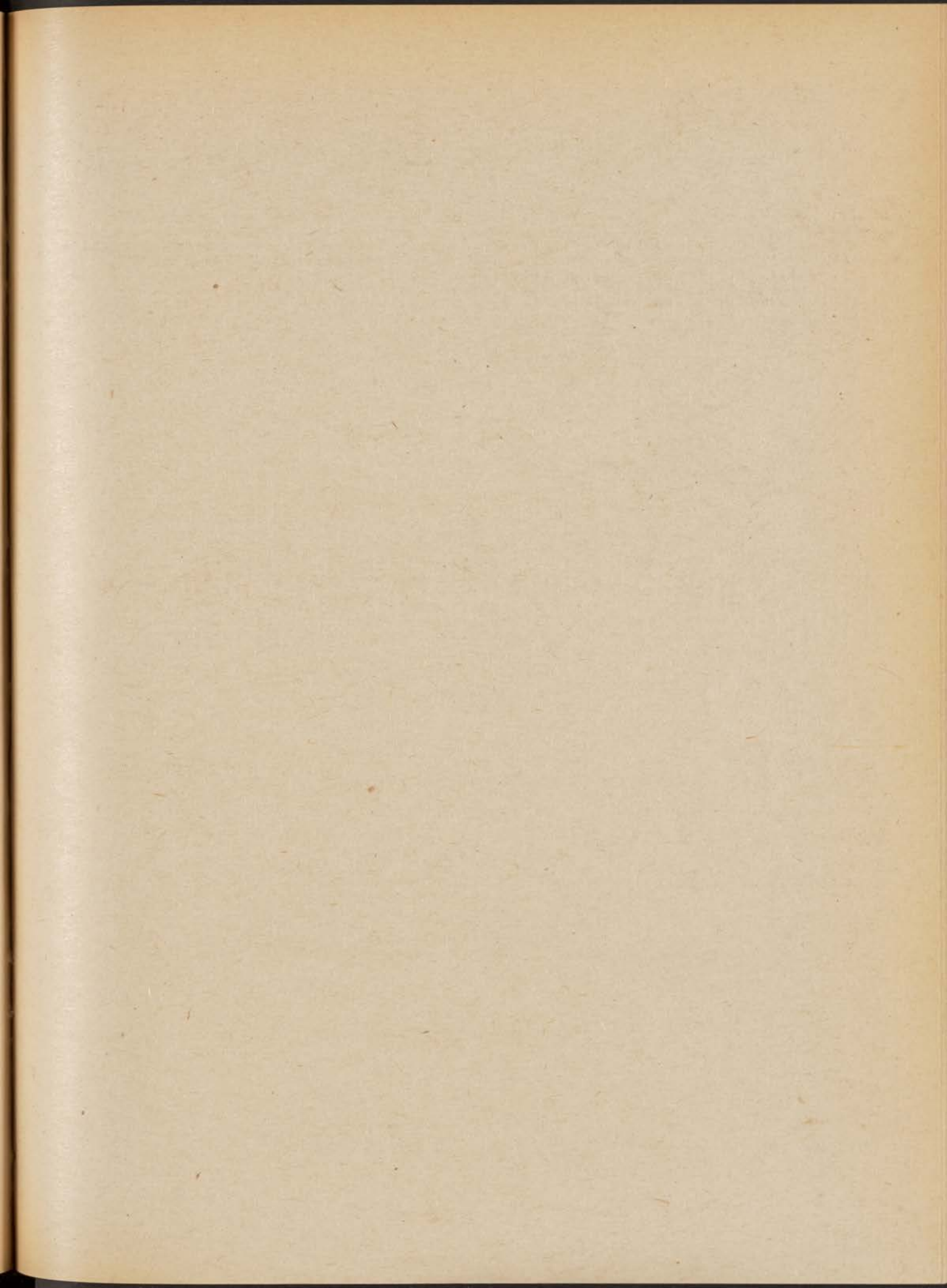
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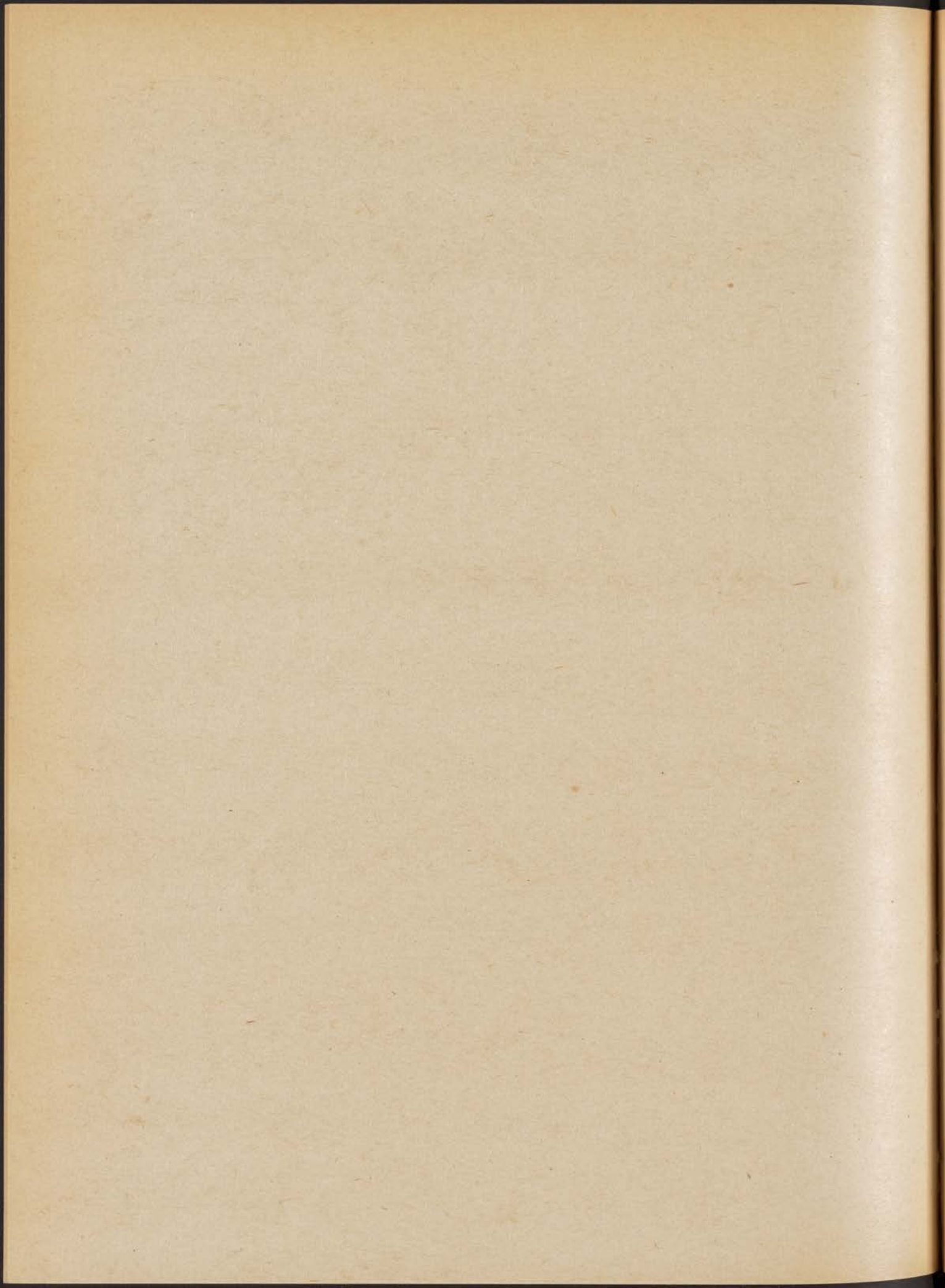
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(Revised as of July 1, 1977)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
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_____	Title 29—Labor (Part 1920 to End)	4.50	_____
_____	Title 30—Mineral Resources	6.00	_____
_____	Title 32—National Defense (Parts 400-589)	5.00	_____
_____	Title 40—Protection of Environment (Parts 100-399)	4.75	_____
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